

House Engrossed

interstate compact; military children; revisions

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

# HOUSE BILL 2599

AN ACT

AMENDING SECTION 15-1911, ARIZONA REVISED STATUTES; RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1911, Arizona Revised Statutes, is amended to  
3 read:

4 15-1911. Authority to enter compact; terms of interstate  
5 compact on educational opportunity for military  
6 children

7 ARTICLE I

8 PURPOSE

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

12 A. Facilitating the timely enrollment of children of military  
13 families and ensuring that they are not placed at a disadvantage due to  
14 difficulty in the transfer of education records from the previous school  
15 districts, variations in entrance or age requirements.

16 B. Facilitating the student placement process through which  
17 children of military families are not disadvantaged by variations in  
18 attendance requirements, scheduling, sequencing, grading, course content  
19 or assessment.

20 C. Facilitating the qualification and eligibility for enrollment,  
21 educational programs and participation in extracurricular academic,  
22 athletic and social activities.

23 D. Facilitating the on-time graduation of children of military  
24 families.

25 E. Providing for the promulgation and enforcement of administrative  
26 rules implementing the provisions of this compact.

27 F. Providing for the uniform collection and sharing of information  
28 between and among member states, schools and military families under this  
29 compact.

30 G. Promoting coordination between this compact and other compacts  
31 affecting military children.

32 H. Promoting flexibility and cooperation between the educational  
33 system, parents and the student in order to achieve educational success  
34 for the student.

35 ARTICLE II

36 DEFINITIONS

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

39 A. "Active duty" means full-time duty status in the active  
40 uniformed service of the United States, including members of the national  
41 guard and reserve on active duty orders pursuant to 10 United States Code  
42 ~~sections~~ CHAPTERS 1209 and 1211.

43 B. "Children of military families" means school-aged children,  
44 enrolled in kindergarten programs or grades one through twelve, in the  
45 household of an active duty member.

1 C. "Compact commissioner" means the voting representative of each  
2 compacting state appointed pursuant to article VIII of this compact.

3 D. "Deployment" means the period one month prior to the service  
4 members' departure from their home station on military orders through six  
5 months after return to their home station.

6 E. "Educational records" means those official records, files and  
7 data directly related to a student and maintained by the school or local  
8 education agency, including records encompassing all the material kept in  
9 the student's cumulative folder such as general identifying data, records  
10 of attendance and of academic work completed, records of achievement and  
11 results of evaluative tests, health data, disciplinary status, test  
12 protocols and individualized education programs.

13 F. "Extracurricular activities" means a voluntary activity  
14 sponsored by the school or local education agency or an organization  
15 sanctioned by the local education agency. Extracurricular activities  
16 include preparation for and involvement in public performances, contests,  
17 athletic competitions, demonstrations, displays and club activities.

18 G. "Interstate commission on educational opportunity for military  
19 children" means the commission that is created under article IX of this  
20 compact, which is generally referred to as interstate commission.

21 H. "Local education agency" means a public authority legally  
22 constituted by the state as an administrative agency to provide control of  
23 and direction for kindergarten programs and grades one through twelve in  
24 public educational institutions.

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

26 J. "Military installation" means a base, camp, post, station, yard,  
27 center, homeport facility for any ship or other activity under the  
28 jurisdiction of the department of defense, including any leased facility,  
29 that is located within any of the several states, the District of  
30 Columbia, the Commonwealth of Puerto Rico, the United States Virgin  
31 Islands, Guam, American Samoa, the Northern Marianas Islands and any other  
32 United States territory. Military installation does not include any  
33 facility used primarily for civil works, rivers and harbors projects, or  
34 flood control projects.

35 K. "Nonmember state" means a state that has not enacted this  
36 compact.

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

39 M. "Rule" means a written statement by the interstate commission  
40 promulgated pursuant to article XII of this compact that is of general  
41 applicability, that implements, interprets or prescribes a policy or  
42 provision of the compact, or an organizational, procedural or practice  
43 requirement of the interstate commission, and that has the force and  
44 effect of statutory law in a member state, and includes the amendment,  
45 repeal or suspension of an existing rule.

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

3 O. "State" means a state of the United States, the District of  
4 Columbia, the Commonwealth of Puerto Rico, the United States Virgin  
5 Islands, Guam, American Samoa, the Northern Marianas Islands and any other  
6 United States territory.

7 P. "Student" means the child of a military family for whom the  
8 local education agency receives public funding and who is formally  
9 enrolled in a kindergarten program or grades one through twelve.

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

14 R. "Uniformed services" means the army, navy, air force, marine  
15 corps and coast guard as well as the commissioned corps of the national  
16 oceanic and atmospheric administration, and public health services.

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

20 ARTICLE III  
21 APPLICABILITY

22 A. Except as otherwise provided in section B, this compact shall  
23 apply to the children of:

24 1. Active duty members of the uniformed services as defined in this  
25 compact, including members of the national guard and reserve on active  
26 duty orders pursuant to 10 United States Code ~~sections~~ CHAPTERS 1209 and  
27 1211.

28 2. Members or veterans of the uniformed services who are severely  
29 injured and medically discharged or retired for a period of one year after  
30 medical discharge or retirement.

31 3. Members of the uniformed services who die on active duty or as a  
32 result of injuries sustained on active duty for a period of one year after  
33 death.

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

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

38 1. Inactive members of the national guard and military reserves.

39 2. Members of the uniformed services now retired, except as  
40 provided in section A.

41 3. Veterans of the uniformed services, except as provided in  
42 section A.

43 4. Other United States department of defense personnel and other  
44 federal agency civilian and contract employees not defined as active duty  
45 members of the uniformed services.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

ARTICLE IV  
EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or hand-carried education records - In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. On receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records and transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. On receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

C. Immunizations - Compacting states shall give thirty days from the date of enrollment or such time as is reasonably determined under the rules promulgated by the interstate commission for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

D. Kindergarten and first grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on the student's validated level from an accredited school in the sending state.

ARTICLE V  
PLACEMENT AND ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state, or both, if the courses are

1 offered. Course placement includes honors, international baccalaureate,  
2 advanced placement, vocational, technical and career pathways courses.  
3 Continuing the student's academic program from the previous school and  
4 promoting placement in academically and career challenging courses should  
5 be paramount when considering placement. This does not preclude the  
6 school in the receiving state from performing subsequent evaluations to  
7 ensure appropriate placement and continued enrollment of the student in  
8 the courses.

9 B. Educational program placement - The receiving state school shall  
10 initially honor placement of the student in educational programs based on  
11 current educational assessments conducted at the school in the sending  
12 state or participation and placement in like programs in the sending  
13 state. Such programs include gifted and talented programs and English as  
14 a second language. This does not preclude the school in the receiving  
15 state from performing subsequent evaluations to ensure appropriate  
16 placement of the student.

17 C. Special education services - In compliance with the federal  
18 requirements of the individuals with disabilities education act (20 United  
19 States Code section 1400), the receiving state shall initially provide  
20 comparable services to a student with disabilities based on the student's  
21 current individualized education program. In compliance with the  
22 requirements of section 504 of the rehabilitation act (29 United States  
23 Code section 794) and with title II of the Americans with disabilities act  
24 (42 United States Code sections 12131 through 12165), the receiving state  
25 shall make reasonable accommodations and modifications to address the  
26 needs of incoming students with disabilities, subject to an existing 504  
27 or title II plan, to provide the student with equal access to education.  
28 This does not preclude the school in the receiving state from performing  
29 subsequent evaluations to ensure appropriate placement of the student.

30 D. Placement flexibility - Local education agency administrative  
31 officials shall have flexibility in waiving course or program  
32 prerequisites, or other preconditions for placement in courses or programs  
33 offered under the jurisdiction of the local education agency.

34 E. Absence as related to deployment activities - A student whose  
35 parent or legal guardian is an active duty member of the uniformed  
36 services, as defined by this compact, and has been called to duty for, is  
37 on leave from or has immediately returned from deployment to a combat zone  
38 or combat support posting shall be granted additional excused absences at  
39 the discretion of the local education agency superintendent to visit with  
40 the student's parent or legal guardian relative to such leave or  
41 deployment of the parent or guardian.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

ARTICLE VI  
ELIGIBILITY

A. Eligibility for enrollment.

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

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

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

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

ARTICLE VII  
GRADUATION

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

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

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

C. Transfers during senior year - If a military student transferring at the beginning or during the student's senior year is ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements

1 of the sending local education agency. If one of the states in question  
2 is not a member of this compact, the member state shall use best efforts  
3 to facilitate the on-time graduation of the student in accordance with  
4 sections A and B.

5 ARTICLE VIII  
6 STATE COORDINATION

7 A. Each member state, through the creation of a state council or  
8 use of an existing body or board, shall provide for the coordination among  
9 its agencies of government, local education agencies and military  
10 installations concerning the state's participation in, and compliance  
11 with, this compact and interstate commission activities. While each  
12 member state may determine the membership of its own state council, its  
13 membership must include at least the state superintendent of education, a  
14 superintendent of a school district with a high concentration of military  
15 children, a representative from a military installation, one  
16 representative each from the legislative and executive branches of  
17 government and other offices and stakeholder groups the state council  
18 deems appropriate. A member state that does not have a school district  
19 deemed to contain a high concentration of military children may appoint a  
20 superintendent from another school district to represent local education  
21 agencies on the state council.

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

25 C. The compact commissioner responsible for the administration and  
26 management of the state's participation in the compact shall be appointed  
27 by the governor or as otherwise determined by each member state.

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

32 ARTICLE IX  
33 INTERSTATE COMMISSION ON EDUCATIONAL  
34 OPPORTUNITY FOR MILITARY CHILDREN

35 The member states hereby create the interstate commission on  
36 educational opportunity for military children. The activities of the  
37 interstate commission are the formation of public policy and are a  
38 discretionary state function. The interstate commission shall:

39 A. Be a body corporate and joint agency of the member states and  
40 shall have all the responsibilities, powers and duties set forth herein,  
41 and such additional powers as may be conferred on it by a subsequent  
42 concurrent action of the respective legislatures of the member states in  
43 accordance with the terms of this compact.



1           B. Consist of one interstate commission voting representative from  
2 each member state who shall be that state's compact commissioner.

3           1. Each member state represented at a meeting of the interstate  
4 commission is entitled to one vote.

5           2. A majority of the total member states shall constitute a quorum  
6 for the transaction of business, unless a larger quorum is required by the  
7 bylaws of the interstate commission.

8           3. A representative shall not delegate a vote to another member  
9 state. If the compact commissioner is unable to attend a meeting of the  
10 interstate commission, the governor or state council may delegate voting  
11 authority to another person from that state for a specified meeting.

12           4. The bylaws may provide for meetings of the interstate commission  
13 to be conducted by telecommunication or electronic communication.

14           C. Consist of ex-officio, nonvoting representatives who are members  
15 of interested organizations. Such ex-officio members, as defined in the  
16 bylaws, may include members of the representative organizations of  
17 military family advocates, local education agency officials, parent and  
18 teacher groups, the United States department of defense, the education  
19 commission of the states, the interstate agreement on the qualification of  
20 educational personnel and other interstate compacts affecting the  
21 education of children of military members.

22           D. Meet at least once each calendar year. The chairperson may call  
23 additional meetings and, on the request of a simple majority of the member  
24 states, shall call additional meetings.

25           E. Establish an executive committee, whose members shall include  
26 the officers of the interstate commission and such other members of the  
27 interstate commission as determined by the bylaws. Members of the  
28 executive committee shall serve a one year term. Members of the executive  
29 committee shall be entitled to one vote each. The executive committee  
30 shall have the power to act on behalf of the interstate commission, with  
31 the exception of rule making, during periods when the interstate  
32 commission is not in session. The executive committee shall oversee the  
33 day-to-day activities of the administration of this compact, including  
34 enforcement and compliance with the provisions of this compact, its bylaws  
35 and rules, and other such duties as deemed necessary. The United States  
36 department of defense shall serve as an ex-officio, nonvoting member of  
37 the executive committee.

38           F. Establish bylaws and rules that provide for conditions and  
39 procedures under which the interstate commission shall make its  
40 information and official records available to the public for inspection or  
41 copying. The interstate commission may exempt from disclosure information  
42 or official records to the extent they would adversely affect personal  
43 privacy rights or proprietary interests.

1 G. Public notice shall be given by the interstate commission of all  
2 meetings and all meetings shall be open to the public, except as set forth  
3 in the rules or as otherwise provided in this compact. The interstate  
4 commission and its committees may close a meeting, or portion thereof, if  
5 it determines by a two-thirds vote that an open meeting would be likely to  
6 either:

7 1. Relate solely to the interstate commission's internal personnel  
8 practices and procedures.

9 2. Disclose matters specifically exempted from disclosure by  
10 federal and state statute.

11 3. Disclose trade secrets or commercial or financial information  
12 that is privileged or confidential.

13 4. Involve accusing a person of a crime, or formally censuring a  
14 person.

15 5. Disclose information of a personal nature if disclosure would  
16 constitute a clearly unwarranted invasion of personal privacy.

17 6. Disclose investigative records compiled for law enforcement  
18 purposes.

19 7. Specifically relate to the interstate commission's participation  
20 in a civil action or other legal proceeding.

21 H. For a meeting, or portion of a meeting, closed pursuant to this  
22 provision, the interstate commission's legal counsel or designee shall  
23 certify that the meeting may be closed and shall reference each relevant  
24 exemptible provision. The interstate commission shall keep minutes which  
25 shall fully and clearly describe all matters discussed in a meeting and  
26 shall provide a full and accurate summary of actions taken, and the  
27 reasons therefore, including a description of the views expressed and the  
28 record of a roll call vote. All documents considered in connection with  
29 an action shall be identified in such minutes. All minutes and documents  
30 of a closed meeting shall remain under seal, subject to release by a  
31 majority vote of the interstate commission.

32 I. The interstate commission shall collect standardized data  
33 concerning the educational transition of the children of military families  
34 under this compact as directed through its rules, which shall specify the  
35 data to be collected, the means of collection and data exchange and  
36 reporting requirements. Such methods of data collection, exchange and  
37 reporting, insofar as is reasonably possible, shall conform to current  
38 technology and coordinate its information functions with the appropriate  
39 custodian of records as identified in the bylaws and rules.

40 J. The interstate commission shall create a process that permits  
41 military officials, education officials and parents to inform the  
42 interstate commission if and when there are alleged violations of the  
43 compact or its rules or when issues subject to the jurisdiction of the  
44 compact or its rules are not addressed by the state or local education

1 agency. This section shall not be construed to create a private right of  
2 action against the interstate commission or any member state.

3 ARTICLE X

4 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

5 The interstate commission shall have the following powers:

6 A. To provide for dispute resolution among member states.

7 B. To promulgate rules and take all necessary actions to effect the  
8 goals, purposes and obligations as enumerated in this compact. The rules  
9 shall have the force and effect of statutory law and shall be binding in  
10 the compact states to the extent and in the manner provided in this  
11 compact.

12 C. To issue, on request of a member state, advisory opinions  
13 concerning the meaning or interpretation of the interstate compact, its  
14 bylaws, rules and actions.

15 D. To enforce compliance with the compact provisions, the rules  
16 promulgated by the interstate commission and the bylaws, using all  
17 necessary and proper means, including the use of judicial process.

18 E. To establish and maintain offices which shall be located within  
19 one or more of the member states.

20 F. To purchase and maintain insurance and bonds.

21 G. To borrow, accept, hire or contract for services of personnel.

22 H. To establish and appoint committees including an executive  
23 committee as required by article IX, section E, which shall have the power  
24 to act on behalf of the interstate commission in carrying out its powers  
25 and duties hereunder.

26 I. To elect or appoint such officers, attorneys, employees, agents  
27 or consultants, and to fix their compensation, define their duties and  
28 determine their qualifications, and to establish the interstate  
29 commission's personnel policies and programs relating to conflicts of  
30 interest, rates of compensation and qualifications of personnel.

31 J. To accept any and all donations and grants of money, equipment,  
32 supplies, materials and services, and to receive, utilize and dispose of  
33 them.

34 K. To lease, purchase, accept contributions or donations of, or  
35 otherwise to own, hold, improve or use any property, real, personal or  
36 mixed.

37 L. To sell, convey, mortgage, pledge, lease, exchange, abandon or  
38 otherwise dispose of any property, real, personal or mixed.

39 M. To establish a budget and make expenditures.

40 N. To adopt a seal and bylaws governing the management and  
41 operation of the interstate commission.

42 O. To report annually to the legislatures, governors, judiciary and  
43 state councils of the member states concerning the activities of the  
44 interstate commission during the preceding year. Such reports shall also

1 include any recommendations that may have been adopted by the interstate  
2 commission.

3 P. To coordinate education, training and public awareness regarding  
4 the compact and its implementation and operation for officials and parents  
5 involved in such activity.

6 Q. To establish uniform standards for the reporting, collecting and  
7 exchanging of data.

8 R. To maintain corporate books and records in accordance with the  
9 bylaws.

10 S. To perform such functions as may be necessary or appropriate to  
11 achieve the purposes of this compact.

12 T. To provide for the uniform collection and sharing of information  
13 between and among member states, schools and military families under this  
14 compact.

15 ARTICLE XI

16 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

17 A. The interstate commission, by a majority of the members present  
18 and voting, within twelve months after the first interstate commission  
19 meeting, shall adopt bylaws to govern its conduct as may be necessary or  
20 appropriate to carry out the purposes of the compact, including:

21 1. Establishing the fiscal year of the interstate commission.

22 2. Establishing an executive committee, and such other committees  
23 as may be necessary.

24 3. Providing for the establishment of committees and for governing  
25 any general or specific delegation of authority or function of the  
26 interstate commission.

27 4. Providing reasonable procedures for calling and conducting  
28 meetings of the interstate commission, and ensuring reasonable notice of  
29 each such meeting.

30 5. Establishing the titles and responsibilities of the officers and  
31 staff of the interstate commission.

32 6. Providing a mechanism for concluding the operations of the  
33 interstate commission and the return of surplus monies that may exist on  
34 the termination of the compact after the payment and reserving of all of  
35 its debts and obligations.

36 7. Providing start up rules for initial administration of the  
37 compact.

38 B. The interstate commission, by a majority of the members, shall  
39 elect annually from among its members a chairperson, a vice-chairperson  
40 and a treasurer, each of whom shall have such authority and duties as may  
41 be specified in the bylaws. The chairperson or, in the chairperson's  
42 absence or disability, the vice-chairperson, shall preside at all meetings  
43 of the interstate commission. The officers so elected shall serve without  
44 compensation or remuneration from the interstate commission, provided  
45 that, subject to the availability of budgeted funds, the officers shall be

1 reimbursed for ordinary and necessary costs and expenses incurred by them  
2 in the performance of their responsibilities as officers of the interstate  
3 commission.

4 C. Executive committee, officers and personnel.

5 1. The executive committee shall have such authority and duties as  
6 may be set forth in the bylaws, including but not limited to:

7 (a) Managing the affairs of the interstate commission in a manner  
8 consistent with the bylaws and purposes of the interstate commission.

9 (b) Overseeing an organizational structure within, and appropriate  
10 procedures for the interstate commission to provide for the creation of  
11 rules, operating procedures and administrative and technical support  
12 functions.

13 (c) Planning, implementing and coordinating communications and  
14 activities with other state, federal and local government organizations in  
15 order to advance the goals of the interstate commission.

16 2. The executive committee, subject to the approval of the  
17 interstate commission, may appoint or retain an executive director for  
18 such period, on such terms and conditions and for such compensation as the  
19 interstate commission may deem appropriate. The executive director shall  
20 serve as secretary to the interstate commission, but shall not be a member  
21 of the interstate commission. The executive director shall hire and  
22 supervise such other persons as may be authorized by the interstate  
23 commission.

24 D. The interstate commission's executive director and employees  
25 shall be immune from suit and liability, either personally or in their  
26 official capacity, for a claim for damage to or loss of property or  
27 personal injury or other civil liability caused or arising out of or  
28 relating to an actual or alleged act, error or omission that occurred, or  
29 that such person had a reasonable basis for believing occurred, within the  
30 scope of interstate commission employment, duties or responsibilities,  
31 provided, that such person shall not be protected from suit or liability  
32 for damage, loss, injury or liability caused by the intentional or wilful  
33 and wanton misconduct of such person.

34 1. The liability of the interstate commission's executive director  
35 and employees or interstate commission representatives, acting within the  
36 scope of their employment or duties for acts, errors or omissions  
37 occurring within their state may not exceed the limits of liability set  
38 forth under the constitution and laws of that state for state officials,  
39 employees and agents. The interstate commission is considered to be an  
40 instrumentality of the states for the purposes of any such action.  
41 Nothing in this subsection shall be construed to protect such person from  
42 suit or liability for damage, loss, injury or liability caused by the  
43 intentional or wilful and wanton misconduct of such person.



1 D. If a majority of the legislatures of the compacting states  
2 reject a rule by enactment of a statute or resolution in the same manner  
3 used to adopt the compact, such rule shall have no further force and  
4 effect in any compacting state.

5 ARTICLE XIII

6 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

7 A. Oversight.

8 1. The executive, legislative and judicial branches of state  
9 government in each member state shall enforce this compact and shall take  
10 all actions necessary and appropriate to effectuate the compact's purposes  
11 and intent. The provisions of this compact and the rules promulgated  
12 hereunder shall have standing as statutory law.

13 2. All courts shall take judicial notice of the compact and the  
14 rules in any judicial or administrative proceeding in a member state  
15 pertaining to the subject matter of this compact that may affect the  
16 powers, responsibilities or actions of the interstate commission.

17 3. The interstate commission shall be entitled to receive all  
18 service of process in any such proceeding, and shall have standing to  
19 intervene in the proceeding for all purposes. Failure to provide service  
20 of process to the interstate commission shall render a judgment or order  
21 void as to the interstate commission, this compact or promulgated rules.

22 B. Default, technical assistance, suspension and termination - If  
23 the interstate commission determines that a member state has defaulted in  
24 the performance of its obligations or responsibilities under this compact,  
25 or the bylaws or promulgated rules, the interstate commission shall:

26 1. Provide written notice to the defaulting state and other member  
27 states of the nature of the default, the means of curing the default and  
28 any action taken by the interstate commission. The interstate commission  
29 shall specify the conditions by which the defaulting state must cure its  
30 default.

31 2. Provide remedial training and specific technical assistance  
32 regarding the default.

33 3. If the defaulting state fails to cure the default, the  
34 defaulting state shall be terminated from the compact on an affirmative  
35 vote of a majority of the member states and all rights, privileges and  
36 benefits conferred by this compact shall be terminated from the effective  
37 date of termination. A cure of the default does not relieve the offending  
38 state of obligations or liabilities incurred during the period of the  
39 default.

40 4. Suspension or termination of membership in the compact shall be  
41 imposed only after all other means of securing compliance have been  
42 exhausted. Notice of intent to suspend or terminate shall be given by the  
43 interstate commission to the governor, the majority and minority leaders  
44 of the defaulting state's legislature and each of the member states.

1           5. The state that has been suspended or terminated is responsible  
2 for all assessments, obligations and liabilities incurred through the  
3 effective date of suspension or termination, including obligations, the  
4 performance of which extends beyond the effective date of suspension or  
5 termination.

6           6. The interstate commission shall not bear any costs relating to  
7 any state that has been found to be in default or that has been suspended  
8 or terminated from the compact, unless otherwise mutually agreed on in  
9 writing between the interstate commission and the defaulting state.

10          7. The defaulting state may appeal the action of the interstate  
11 commission by petitioning the United States district court for the  
12 District of Columbia or the federal district where the interstate  
13 commission has its principal offices. The prevailing party shall be  
14 awarded all costs of such litigation, including reasonable attorney fees.

15           C. Dispute resolution.

16           1. The interstate commission, on the request of a member state,  
17 shall attempt to resolve disputes that are subject to the compact and that  
18 may arise among member states and between member and nonmember states.

19           2. The interstate commission shall promulgate a rule providing for  
20 both mediation and binding dispute resolution for disputes as appropriate.

21           D. Enforcement.

22           1. The interstate commission, in the reasonable exercise of its  
23 discretion, shall enforce the provisions and rules of this compact.

24           2. The interstate commission, by majority vote of the members, may  
25 initiate legal action in the United States district court for the District  
26 of Columbia or, at the discretion of the interstate commission, in the  
27 federal district where the interstate commission has its principal  
28 offices, to enforce compliance with the provisions of this compact and its  
29 promulgated rules and bylaws against a member state in default. The  
30 relief sought may include both injunctive relief and damages. If judicial  
31 enforcement is necessary, the prevailing party shall be awarded all costs  
32 of such litigation including reasonable attorney's fees.

33           3. The remedies herein shall not be the exclusive remedies of the  
34 interstate commission. The interstate commission may avail itself of any  
35 other remedies available under state law or the regulation of a  
36 profession.

37   ARTICLE XIV

38   FINANCING OF THE INTERSTATE COMMISSION

39           A. The interstate commission shall pay, or provide for the payment  
40 of, the reasonable expenses of its establishment, organization and ongoing  
41 activities.

42           B. The interstate commission may levy on and collect an annual  
43 assessment from each member state to cover the cost of the operations and  
44 activities of the interstate commission and its staff, which must be in a  
45 total amount sufficient to cover the interstate commission's annual budget



1 as approved each year. The aggregate annual assessment amount shall be  
2 allocated based on a formula to be determined by the interstate  
3 commission, which shall promulgate a rule binding on all member states.

4 C. The interstate commission shall not incur obligations of any  
5 kind prior to securing the funds adequate to meet the same, nor shall the  
6 interstate commission pledge the credit of any of the member states,  
7 except by and with the authority of the member state.

8 D. The interstate commission shall keep accurate accounts of all  
9 receipts and disbursements. The receipts and disbursements of the  
10 interstate commission shall be subject to the audit and accounting  
11 procedures established under its bylaws. However, all receipts and  
12 disbursements of funds handled by the interstate commission shall be  
13 audited yearly by a certified or licensed public accountant, and the  
14 report of the audit shall be included in and become part of the annual  
15 report of the interstate commission.

16 ARTICLE XV

17 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

19 B. This compact shall become effective and binding on legislative  
20 enactment of the compact into law by at least ten of the states. The  
21 effective date shall be no earlier than December 1, 2007. Thereafter it  
22 shall become effective and binding as to any other member state on  
23 enactment of the compact into law by that state. The governors of  
24 nonmember states or their designees shall be invited to participate in the  
25 activities of the interstate commission on a nonvoting basis prior to  
26 adoption of the compact by all states.

27 C. The interstate commission may propose amendments to the compact  
28 for enactment by the member states. No amendment shall become effective  
29 and binding on the interstate commission and the member states unless and  
30 until it is enacted into law by unanimous consent of the member states.

31 ARTICLE XVI

32 WITHDRAWAL AND DISSOLUTION

33 A. Withdrawal.

34 1. Once effective, the compact shall continue in force and remain  
35 binding on each and every member state, provided that a member state may  
36 withdraw from the compact specifically repealing the statute that enacted  
37 the compact into law.

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

43 3. The withdrawing state shall immediately notify the chairperson  
44 of the interstate commission in writing on the introduction of legislation  
45 repealing this compact in the withdrawing state. The interstate commission

1 shall notify the other member states of the withdrawing state's intent to  
2 withdraw within sixty days of its receipt thereof.

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

7 5. Reinstatement following withdrawal of a member state shall occur  
8 on the withdrawing state reenacting the compact or on such later date as  
9 determined by the interstate commission.

10 B. Dissolution of compact.

11 1. This compact shall dissolve effective on the date of the  
12 withdrawal or default of the member state which reduces the membership in  
13 the compact to one member state.

14 2. On the dissolution of this compact, the compact becomes null and  
15 void and shall be of no further force or effect, and the business and  
16 affairs of the interstate commission shall be concluded and surplus funds  
17 shall be distributed in accordance with the bylaws.

#### 18 ARTICLE XVII

##### 19 SEVERABILITY AND CONSTRUCTION

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

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

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

#### 28 ARTICLE XVIII

##### 29 BINDING EFFECT OF COMPACT AND OTHER LAWS

30 A. Other laws.

31 1. Nothing herein prevents the enforcement of any other law of a  
32 member state that is not inconsistent with this compact.

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

35 B. Binding effect of the compact.

36 1. All lawful actions of the interstate commission, including all  
37 rules and bylaws promulgated by the interstate commission, are binding  
38 upon the member states.

39 2. All agreements between the interstate commission and the member  
40 states are binding in accordance with their terms.

41 3. If any provision of this compact exceeds the constitutional  
42 limits imposed on the legislature of any member state, such provision  
43 shall be ineffective to the extent of the conflict with the constitutional  
44 provision in question in that member state.