

**SENATE BILL NO. 176**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR HUGGINS

Introduced: 4/1/09

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to an interstate compact on educational opportunity for military**  
2 **children; amending Rules 4 and 24, Alaska Rules of Civil Procedure; and providing for**  
3 **an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 14 is amended by adding a new chapter to read:

6 **Chapter 34. Interstate Compact on Educational Opportunity for Military Children.**

7 **Sec. 14.34.010. Compact enacted.** The Interstate Compact on Educational  
8 Opportunity for Military Children as contained in this section is enacted into law and  
9 entered into on behalf of the state with all other states and jurisdictions legally joining  
10 in it in a form substantially as follows:

11 INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR  
12 MILITARY CHILDREN  
13 ARTICLE I  
14 PURPOSE



1 (3) "compact commissioner" means the voting representative of each  
2 compacting state appointed under art. VIII of this compact;

3 (4) "deployment" means the period one month before the service  
4 member's departure from the member's home station on military orders through six  
5 months after return to the member's home station;

6 (5) "education records or educational records" means those official  
7 records, files, and data directly related to a student and maintained by the school or local  
8 education agency, including but not limited to records encompassing all the material kept  
9 in the student's cumulative folder such as general identifying data, records of attendance  
10 and of academic work completed, records of achievement and results of evaluative tests,  
11 health data, disciplinary status, test protocols, and individualized education programs;

12 (6) "extracurricular activities"

13 (A) means a voluntary activity sponsored by the school or local  
14 education agency or an organization sanctioned by the local education agency;

15 (B) include, but are not limited to, preparation for and  
16 involvement in public performances, contests, athletic competitions,  
17 demonstrations, displays, and club activities;

18 (7) "Interstate Commission on Educational Opportunity for Military  
19 Children" means the commission that is created under art. IX of this compact, which is  
20 generally referred to as Interstate Commission;

21 (8) "local education agency" means a public authority legally constituted  
22 by the state as an administrative agency to provide control of and direction for  
23 kindergarten through 12th grade public educational institutions;

24 (9) "member state" means a state that has enacted this compact;

25 (10) "military installation"

26 (A) means a base, camp, post, station, yard, center, homeport  
27 facility for any ship, or other activity under the jurisdiction of the Department of  
28 Defense, including any leased facility, which is located within any of the several  
29 States, District of Columbia, the Commonwealth of Puerto Rico, the United  
30 States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands  
31 and any other United States Territory;

1 (B) does not include any facility used primarily for civil works,  
2 rivers and harbors projects, or flood control projects;

3 (11) "non-member state" means a state that has not enacted this compact;

4 (12) "receiving state" means the state to which a child of a military family  
5 is sent, brought, or caused to be sent or brought;

6 (13) "rule"

7 (A) means a written statement by the Interstate Commission  
8 promulgated under art. XII of this compact that is of general applicability,  
9 implements, interprets, or prescribes a policy or provision of the Compact, or an  
10 organizational, procedural, or practice requirement of the Interstate Commission,  
11 and has the force and effect of statutory law in a member state;

12 (B) includes the amendment, repeal, or suspension of an existing  
13 rule;

14 (14) "sending state" means the state from which a child of a military  
15 family is sent, brought, or caused to be sent or brought;

16 (15) "state" means a state of the United States, the District of Columbia,  
17 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American  
18 Samoa, the Northern Marianas Islands, and any other United States Territory;

19 (16) "student" means the child of a military family for whom the local  
20 education agency receives public funding and who is formally enrolled in kindergarten  
21 through 12th grade;

22 (17) "transition"

23 (A) means the formal and physical process of transferring from  
24 school to school;

25 (B) the period of time in which a student moves from one school  
26 in the sending state to another school in the receiving state;

27 (18) "uniformed service" means the Army, Navy, Air Force, Marine  
28 Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and  
29 Atmospheric Administration, and Public Health Services;

30 (19) "veteran" means a person who served in the uniformed services  
31 and who was discharged or released from the uniformed services under conditions

1 other than dishonorable.

2 ARTICLE III  
3 APPLICABILITY

4 (a) Except as otherwise provided in sec. (b) of this article, this compact shall  
5 apply to the children of

6 (1) active duty members of the uniformed services as defined in this  
7 compact, including members of the National Guard and Reserve on active duty orders  
8 under 10 U.S.C. 1209 and 1211;

9 (2) members or veterans of the uniformed services who are severely  
10 injured and medically discharged or retired for a period of one year after medical  
11 discharge or retirement; and

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

14 (b) The provisions of this interstate compact shall only apply to local education  
15 agencies as defined in this compact.

16 (c) The provisions of this compact shall not apply to the children of

17 (1) inactive members of the national guard and military reserves;

18 (2) members of the uniformed services now retired, except as provided  
19 in sec. (a) of this article;

20 (3) veterans of the uniformed services, except as provided in sec. (a) of  
21 this article; and

22 (4) other United States Department of Defense personnel and other  
23 federal agency civilian and contract employees not defined as active duty members of  
24 the uniformed services.

25 ARTICLE IV  
26 EDUCATIONAL RECORDS AND ENROLLMENT

27 (a) Unofficial hand-carried education records. In the event that official  
28 education records cannot be released to the parents for the purpose of transfer, the  
29 custodian of the records in the sending state shall prepare and furnish to the parent a  
30 complete set of unofficial educational records containing uniform information as  
31 determined by the Interstate Commission. Upon receipt of the unofficial education

1 records by a school in the receiving state, the school shall enroll and appropriately  
 2 place the student based on the information provided in the unofficial records pending  
 3 validation by the official records, as quickly as possible.

4 (b) Official education records and transcripts. Simultaneous with the  
 5 enrollment and conditional placement of the student, the school in the receiving state  
 6 shall request the student's official education record from the school in the sending  
 7 state. Upon receipt of this request, the school in the sending state will process and  
 8 furnish the official education records to the school in the receiving state within 10  
 9 days or within such time as is reasonably determined under the rules promulgated by  
 10 the Interstate Commission.

11 (c) Immunizations. Compacting states shall give 30 days from the date of  
 12 enrollment or within such time as is reasonable determined under the rules  
 13 promulgated by the Interstate Commission, for students to obtain one or more  
 14 immunizations required by the receiving state. For a series of immunizations, initial  
 15 vaccinations must be obtained within 30 days or within such time as is reasonably  
 16 determined under the rules promulgated by the Interstate Commission.

17 (d) Kindergarten and first grade entrance age. Students shall be allowed to  
 18 continue their enrollment at grade level in the receiving state commensurate with their  
 19 grade level, including kindergarten, from a local education agency in the sending state  
 20 at the time of transition, regardless of age. A student that has satisfactorily completed  
 21 the prerequisite grade level in the local education agency in the sending state shall be  
 22 eligible for enrollment in the next highest grade level in the receiving state, regardless  
 23 of age. A student transferring after the start of the school year in the receiving state  
 24 shall enter the school in the receiving state on their validated level from an accredited  
 25 school in the sending state.

## 26 ARTICLE V

### 27 PLACEMENT AND ATTENDANCE

#### 28 (a) Course placement

29 (1) when the student transfers before or during the school year, the  
 30 receiving state school shall initially honor placement of the student in educational  
 31 courses based on the student's enrollment in the sending state school or educational

1 assessments or both conducted at the school in the sending state if the courses are  
2 offered; course placement includes but is not limited to

3 (A) honors;

4 (B) international baccalaureate;

5 (C) advanced placement; and

6 (D) vocational, technical, and career pathways courses;

7 (2) continuing the student's academic program from the previous school  
8 and promoting placement in academically and career challenging courses should be  
9 paramount when considering placement; this does not preclude the school in the  
10 receiving state from performing subsequent evaluations to ensure appropriate  
11 placement and continued enrollment of the student in one or more courses.

12 (b) Educational program placement

13 (1) the receiving state school shall initially honor placement of the  
14 student in educational programs based on current educational assessments conducted  
15 at the school in the sending state or participation and placement in like programs in the  
16 sending state; these programs include, but are not limited to

17 (A) gifted and talented programs; and

18 (B) English as a second language;

19 (2) this does not preclude the school in the receiving state from  
20 performing subsequent evaluations to ensure appropriate placement of the student.

21 (c) Special education services

22 (1) in compliance with the federal requirements of the Individuals with  
23 Disabilities Education Act, 20 U.S.C.A. 1400 et seq., the receiving state shall initially  
24 provide comparable services to a student with disabilities based on the student's  
25 current Individualized Education Program; and

26 (2) in compliance with the requirements of Section 504 of the  
27 Rehabilitation Act, 29 U.S.C.A. 794, and with Title II of the Americans with  
28 Disabilities Act, 42 U.S.C.A. 12131-12165, the receiving state shall make reasonable  
29 accommodations and modifications to address the needs of incoming students with  
30 disabilities, subject to an existing Section 504 of the Rehabilitation Act or Title II of  
31 the Americans with Disabilities Act plan, to provide the student with equal access to

1 education; this does not preclude the school in the receiving state from performing  
2 subsequent evaluations to ensure appropriate placement of the student.

3 (d) Placement flexibility. Local education agency administrative officials shall  
4 have flexibility in waiving course and program prerequisites, or other preconditions  
5 for placement in courses and programs offered under the jurisdiction of the local  
6 education agency.

7 (e) Absence as related to deployment activities. A student whose parent or  
8 legal guardian is an active duty member of the uniformed services, as defined by the  
9 compact, and has been called to duty for, is on leave from, or immediately returned  
10 from deployment to a combat zone or combat support posting, shall be granted  
11 additional excused absences at the discretion of the local education agency  
12 superintendent to visit with the student's parent or legal guardian relative to leave or  
13 deployment of the parent or guardian.

## 14 ARTICLE VI

### 15 ELIGIBILITY

#### 16 (a) Eligibility for enrollment

17 (1) special power of attorney, relative to the guardianship of a child of a  
18 military family and executed under applicable law shall be sufficient for the purposes  
19 of enrollment and all other actions requiring parental participation and consent;

20 (2) a local education agency shall be prohibited from charging local  
21 tuition to a transitioning military child placed in the care of a non-custodial parent or  
22 other person standing in loco parentis who lives in a jurisdiction other than that of the  
23 custodial parent; and

24 (3) a transitioning military child, placed in the care of a non-custodial  
25 parent or other person standing in loco parentis who lives in a jurisdiction other than  
26 that of the custodial parent, may continue to attend the school in which the student was  
27 enrolled while residing with the custodial parent.

28 (b) Eligibility for extracurricular participation. State and local education  
29 agencies shall facilitate the opportunity for transitioning military children's inclusion  
30 in extracurricular activities, regardless of application deadlines, to the extent they are  
31 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:

(1) Waiver requirements. Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial; should a waiver not be 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;

(2) Exit exams. States shall accept

(A) exit or end-of-course exams required for graduation from the sending state;

(B) national norm-referenced achievement tests; or

(C) alternative testing, in lieu of testing requirements for graduation in the receiving state.

(3) Other means. If the alternatives described in art. VII, secs. (1) and (2) cannot be accommodated by the receiving state for a student transferring in the student's senior year, then the provisions of art. VII, sec. (4) shall apply;

(4) Transfers during senior year. Should a military student transferring at the beginning or during the student's senior year be 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 of the sending local education agency; if one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with art. VII, secs. (1) and (2).

## ARTICLE VIII

## STATE COORDINATION

(a) Each member state shall, through the creation of a State Council or use of

1 an existing body or board, provide for the coordination among its agencies of  
 2 government, local education agencies, and military installations concerning the state's  
 3 participation in, and compliance with, this compact and Interstate Commission  
 4 activities. While each member state may determine the membership of its own State  
 5 Council, its membership must include at least

6 (1) the state superintendent of education;

7 (2) the superintendent of a school district with a high concentration of  
 8 military children;

9 (3) a representative from a military installation;

10 (4) one representative each from the legislative and executive branches  
 11 of government; and

12 (5) a representative from other offices and stakeholder groups that the  
 13 State Council considers appropriate.

14 (b) A member state that does not have a school district considered to contain a  
 15 high concentration of military children may appoint a superintendent from another  
 16 school district to represent local education agencies on the State Council.

17 (c) The State Council of each member state shall appoint or designate a  
 18 military family education liaison to assist military families and the state in facilitating  
 19 the implementation of this compact.

20 (d) The compact commissioner responsible for the administration and  
 21 management of the state's participation in the compact shall be appointed by the  
 22 governor or as otherwise determined by each member state.

23 (e) The compact commissioner and the military family education liaison  
 24 designated under the compact shall be ex-officio members of the State Council, unless  
 25 either is already a full voting member of the State Council.

26 **ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL**  
 27 **OPPORTUNITY FOR MILITARY CHILDREN**

28 The member states create the Interstate Commission on Educational  
 29 Opportunity for Military Children. The activities of the Interstate Commission are the  
 30 formation of public policy and are a discretionary state function. The Interstate  
 31 Commission shall

1 (1) be a body corporate and joint agency of the member states and shall  
2 have all the responsibilities, powers, and duties set out in this compact, and additional  
3 powers as may be conferred upon it by a subsequent concurrent action of the  
4 respective legislatures of the member states in accordance with the terms of this  
5 compact;

6 (2) consist of one Interstate Commission voting representative from  
7 each member state who shall be that state's compact commissioner;

8 (A) each member state represented at a meeting of the Interstate  
9 Commission is entitled to one vote;

10 (B) a majority of the total member states shall constitute a  
11 quorum for the transaction of business, unless a larger quorum is required by  
12 the bylaws of the Interstate Commission;

13 (C) a representative may not delegate a vote to another member  
14 state; if the compact commissioner is unable to attend a meeting of the  
15 Interstate Commission, the governor or State Council may delegate voting  
16 authority to another person from their state for a specified meeting;

17 (D) the bylaws may provide for meetings of the Interstate  
18 Commission to be conducted by telecommunication or electronic  
19 communication;

20 (3) consist of ex-officio, non-voting representatives who are members  
21 of interested organizations; the ex-officio members, as defined in the bylaws, may  
22 include but not be limited to

23 (A) members of the representative organizations of military  
24 family advocates;

25 (B) local education agency officials;

26 (C) parent and teacher groups;

27 (D) the United States Department of Defense;

28 (E) the Education Commission of the States;

29 (F) the Interstate Agreement on the Qualification of Educational  
30 Personnel and other interstate compacts affecting the education of children of  
31 military members;

1                   (4) meet at least once each calendar year; the chairperson may call  
2 additional meetings and, upon the request of a simple majority of the member states,  
3 shall call additional meetings;

4                   (5) establish an executive committee, whose members shall include the  
5 officers of the Interstate Commission and the other members of the Interstate  
6 Commission as determined by the bylaws; members of the executive committee shall  
7 serve a one year term; members of the executive committee shall be entitled to one  
8 vote each; the executive committee shall have the power to act on behalf of the  
9 Interstate Commission, with the exception of rulemaking, during periods when the  
10 Interstate Commission is not in session; the executive committee shall oversee the  
11 day-to-day activities of the administration of the compact including enforcement and  
12 compliance with the provisions of the compact, its bylaws and rules, and other duties  
13 as considered necessary; the United States Department of Defense shall serve as an ex-  
14 officio, nonvoting member of the executive committee;

15                  (6) establish bylaws and rules that provide for conditions and  
16 procedures under which the Interstate Commission shall make its information and  
17 official records available to the public for inspection or copying; the Interstate  
18 Commission may exempt from disclosure information or official records to the extent  
19 they would adversely affect personal privacy rights or proprietary interests;

20                  (7) give public notice of all meetings and all meetings shall be open to  
21 the public, except as set out in the rules or as otherwise provided in the compact; the  
22 Interstate Commission and its committees may close a meeting, or portion of an open  
23 meeting, if it determines by two-thirds vote that an open meeting would be likely to

24                               (A) relate solely to the Interstate Commission's internal  
25 personnel practices and procedures;

26                               (B) disclose matters specifically exempted from disclosure by  
27 federal and state statute;

28                               (C) disclose trade secrets or commercial or financial  
29 information which is privileged or confidential;

30                               (D) involve accusing a person of a crime, or formally censuring  
31 a person;

1 (E) disclose information of a personal nature where disclosure  
2 would constitute a clearly unwarranted invasion of personal privacy;

3 (F) disclose investigative records compiled for law enforcement  
4 purposes; or

5 (G) specifically relate to the Interstate Commission's  
6 participation in a civil action or other legal proceeding;

7 (8) cause its legal counsel or designee to certify that a meeting may be  
8 closed and shall reference each relevant exemptible provision for any meeting, or  
9 portion of a meeting, which is closed under this provision; the Interstate Commission  
10 shall keep minutes, which shall fully and clearly describe all matters discussed in a  
11 meeting and shall provide a full and accurate summary of actions taken, and the  
12 reasons therefore, including a description of the views expressed and the record of a  
13 roll call vote; all documents considered in connection with an action shall be identified  
14 in such minutes; all minutes and documents of a closed meeting shall remain under  
15 seal, subject to release by a majority vote of the Interstate Commission;

16 (9) collect standardized data concerning the educational transition of  
17 the children of military families under this compact as directed through its rules which  
18 shall specify the data to be collected, the means of collection and data exchange and  
19 reporting requirements; such methods of data collection, exchange, and reporting  
20 shall, in so far as is reasonably possible, conform to current technology and coordinate  
21 its information functions with the appropriate custodian of records as identified in the  
22 bylaws and rules; and

23 (10) create a process that permits military officials, education officials,  
24 and parents to inform the Interstate Commission if and when there are alleged  
25 violations of the compact or its rules or when issues subject to the jurisdiction of the  
26 compact or its rules are not addressed by the state or local education agency; this  
27 section shall not be construed to create a private right of action against the Interstate  
28 Commission or any member state.

## 29 ARTICLE X

### 30 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

31 The Interstate Commission shall have the following powers:

- 1 (1) to provide for dispute resolution among member states;
- 2 (2) to promulgate rules and take all necessary actions to effect the  
3 goals, purposes, and obligations as enumerated in this compact; the rules shall have  
4 the force and effect of statutory law and shall be binding in the compact states to the  
5 extent and in the manner provided in this compact;
- 6 (3) to issue, upon request of a member state, advisory opinions  
7 concerning the meaning or interpretation of the interstate compact, its bylaws, rules,  
8 and actions;
- 9 (4) to enforce compliance with the compact provisions, the rules,  
10 promulgated by the Interstate Commission, and the bylaws, using all necessary and  
11 proper means, including but not limited to the use of judicial process;
- 12 (5) to establish and maintain offices which shall be located within one  
13 or more of the member states;
- 14 (6) to purchase and maintain insurance and bonds;
- 15 (7) to borrow, accept, hire, or contract for services of personnel;
- 16 (8) to establish and appoint committees including, but not limited to, an  
17 executive committee as required by art. IX, sec. 5, which shall have the power to act  
18 on behalf of the Interstate Commission in carrying out its powers and duties under the  
19 compact;
- 20 (9) to elect or appoint such officers, attorneys, employees, agents, or  
21 consultants, and to fix their compensation, define their duties, and determine their  
22 qualifications; and to establish the Interstate Commission's personnel policies and  
23 programs relating to conflicts of interest, rates of compensation, and qualifications of  
24 personnel;
- 25 (10) to accept any and all donations and grants of money, equipment,  
26 supplies, materials, and services, and to receive, utilize, and dispose of it;
- 27 (11) to lease, purchase, accept contributions or donations of, or  
28 otherwise to own, hold, improve, or use any property, real, personal, or mixed;
- 29 (12) to sell, convey, mortgage, pledge, lease, exchange, abandon, or  
30 otherwise dispose of any property, real, personal, or mixed;
- 31 (13) to establish a budget and make expenditures;

1 (14) to adopt a seal and bylaws governing the management and  
2 operation of the Interstate Commission;

3 (15) to report annually to the legislatures, governors, judiciary, and  
4 state councils of the member states concerning the activities of the Interstate  
5 Commission during the preceding year; the reports shall also include any  
6 recommendations that may have been adopted by the Interstate Commission;

7 (16) to coordinate education, training, and public awareness regarding  
8 the compact, its implementation and operation for officials and parents involved in the  
9 activity;

10 (17) to establish uniform standards for the reporting, collecting, and  
11 exchanging of data;

12 (18) to maintain corporate books and records in accordance with the  
13 bylaws;

14 (19) to perform such functions as may be necessary or appropriate to  
15 achieve the purposes of this compact; and

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

## 18 ARTICLE XI

### 19 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

20 (a) The Interstate Commission shall, by a majority of the members present and  
21 voting, within 12 months after the first Interstate Commission meeting, adopt bylaws  
22 to govern its conduct as may be necessary or appropriate to carry out the purposes of  
23 the compact, including, but not limited to

24 (1) establishing the fiscal year of the Interstate Commission;

25 (2) establishing an executive committee, and other committees as may  
26 be necessary;

27 (3) providing for the establishment of committees and for governing  
28 any general or specific delegation of authority or function of the Interstate  
29 Commission;

30 (4) providing reasonable procedures for calling and conducting  
31 meetings of the Interstate Commission, and ensuring reasonable notice of each

1 meeting;

2 (5) establishing the titles and responsibilities of the officers and staff of  
3 the Interstate Commission;

4 (6) providing a mechanism for concluding the operations of the  
5 Interstate Commission and the return of surplus funds that may exist upon the  
6 termination of the compact after the payment and reserving of all its debts and  
7 obligations; and

8 (7) providing start-up rules for initial administration of the compact.

9 (b) The Interstate Commission shall, by a majority of the members, elect  
10 annually from among its members a chairperson, a vice-chairperson, and a treasurer,  
11 each of whom shall have such authority and duties as may be specified in the bylaws.  
12 The chairperson or, in the chairperson's absence or disability, the vice-chairperson,  
13 shall preside at all meetings of the Interstate Commission. The officers shall serve  
14 without compensation or remuneration from the Interstate Commission; if, subject to  
15 the availability of budgeted funds, the officers are reimbursed for ordinary and  
16 necessary costs and expenses incurred by them in the performance of their  
17 responsibilities as officers of the Interstate Commission.

18 (c) Executive Committee, Officers, and Personnel

19 (1) the executive committee shall have such authority and duties as may  
20 be set out in the bylaws, including, but not limited to

21 (A) managing the affairs of the Interstate Commission in a  
22 manner consistent with the bylaws and purposes of the Interstate Commission;

23 (B) overseeing an organizational structure within, and  
24 appropriate procedures for the Interstate Commission to provide for the  
25 creation of rules, operating procedures, and administrative and technical  
26 support functions; and

27 (C) planning, implementing, and coordinating communications  
28 and activities with other state, federal, and local government organizations in  
29 order to advance the goals of the Interstate Commission;

30 (2) the executive committee may, subject to the approval of the  
31 Interstate Commission, appoint or retain an executive director for the period, upon the



1 terms and conditions and for such compensation, as the Interstate Commission may  
2 consider appropriate; the executive director shall serve as secretary to the Interstate  
3 Commission, but shall not be a member of the Interstate Commission; the executive  
4 director shall hire and supervise other persons as may be authorized by the Interstate  
5 Commission.

6 (d) The Interstate Commission's executive director and its employees shall be  
7 immune from suit and liability, either personally or in their official capacity, for a  
8 claim for damage to or loss of property or personal injury or other civil liberty caused  
9 or arising out of or relating to an actual or alleged act, error, or omission that occurred,  
10 or that such person had a reasonable basis for believing occurred, within the scope of  
11 Interstate Commission employment, duties or responsibilities; if, that person is not  
12 protected from suit or liability for damage, loss, injury, or liability caused by the  
13 intentional or willful and wanton misconduct of the person. The following standards  
14 apply:

15 (1) the liability of the Interstate Commission's executive director and  
16 employees or Interstate Commission representatives, acting within the scope of the  
17 person's employment or duties for acts, errors, or omissions occurring within the  
18 person's state may not exceed the limits of liability set out under the Constitution and  
19 laws of that state for state officials, employees, and agents; the Interstate Commission  
20 is considered to be an instrumentality of the states for the purposes of any such action;  
21 nothing in this subsection shall be construed to protect such person from suit or  
22 liability for damage, loss, injury, or liability caused by the intentional or willful and  
23 wanton misconduct on the part of such person;

24 (2) the Interstate Commission shall defend the executive director and  
25 its employees and, subject to the approval of the attorney general or other appropriate  
26 legal counsel of the member state represented by an Interstate Commission  
27 representative, shall defend such Interstate Commission representative in any civil  
28 action seeking to impose liability arising out of an actual or alleged act, error, or  
29 omission that occurred within the scope of Interstate Commission employment, duties  
30 or responsibilities, or that the defendant had a reasonable basis for believing occurred  
31 within the scope of Interstate Commission employment, duties, or responsibilities, if

1 the actual or alleged act, error, or omission did not result from intentional or willful  
2 and wanton misconduct on the part of such person;

3 (3) to the extent not covered by the state involved, member state, or the  
4 Interstate Commission, the representatives or employees of the Interstate Commission  
5 shall be held harmless in the amount of a settlement or judgment, including attorney's  
6 fees and costs, obtained against such persons arising out of an actual or alleged act,  
7 error, or omission that occurred within the scope of Interstate Commission  
8 employment, duties, or responsibilities, or that the persons had a reasonable basis for  
9 believing occurred within the scope of Interstate Commission employment, duties, or  
10 responsibilities, provided that the actual or alleged act, error, or omission did not result  
11 from intentional or willful and wanton misconduct on the part of such persons.

## 12 ARTICLE XII

### 13 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

14 (a) Rulemaking authority. The Interstate Commission shall promulgate  
15 reasonable rules in order to effectively and efficiently achieve the purposes of this  
16 compact. Notwithstanding the provisions of this subsection, if the Interstate  
17 Commission exercises its rulemaking authority in a manner that is beyond the scope of  
18 the purposes of this Act, or the powers granted hereunder, then such an action by the  
19 Interstate Commission shall be invalid and have no force or effect.

20 (b) Rulemaking procedure. Rules shall be made under a rulemaking process  
21 that substantially conforms to the "Model State Administrative Procedure Act," of  
22 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000) as amended, as may be  
23 appropriate to the operations of the Interstate Commission.

24 (c) Not later than 30 days after a rule is promulgated, any person may file a  
25 petition for judicial review of the rule; if, that the filing of such a petition shall not stay  
26 or otherwise prevent the rule from becoming effective unless the court finds that the  
27 petitioner has a substantial likelihood of success. The court shall give deference to the  
28 actions of the Interstate Commission consistent with applicable law and shall not find  
29 the rule to be unlawful if the rule represents a reasonable exercise of the Interstate  
30 Commission's authority.

31 (d) If a majority of the legislatures of the compacting states rejects a rule by

1 enactment of a statute or resolution in the same manner used to adopt the compact,  
2 then the rule shall have no further force and effect in any compacting state.

### 3 ARTICLE XIII

#### 4 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

##### 5 (a) Oversight

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

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

14 (3) the Interstate Commission shall be entitled to receive all service of  
15 process in any such proceeding, and shall have standing to intervene in the proceeding  
16 for all purposes; failure to provide service of process to the Interstate Commission  
17 shall render a judgment or order void as to the Interstate Commission, this compact, or  
18 promulgated rules;

19 (b) Default, technical assistance, suspension, and termination. If the Interstate  
20 Commission determines that a member state has defaulted in the performance of its  
21 obligations or responsibilities under this compact, or the bylaws or promulgated rules,  
22 the Interstate Commission shall

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

27 (2) provide remedial training and specific technical assistance  
28 regarding the default;

29 (3) if the defaulting state fails to cure the default, the defaulting state  
30 shall be terminated from the compact upon an affirmative vote of a majority of the  
31 member states and all rights, privileges, and benefits conferred by this compact shall

1 be terminated from the effective date of termination; a cure of the default does not  
2 relieve the offending state of obligations or liabilities incurred during the period of  
3 default;

4 (4) suspension or termination of membership in the compact shall be  
5 imposed only after all other means of securing compliance have been exhausted;  
6 notice of intent to suspend or terminate shall be given by the Interstate Commission to  
7 the governor, the majority and minority leaders of the defaulting state's legislature, and  
8 each of the member states;

9 (5) the state that has been suspended or terminated is responsible for all  
10 assessments, obligations, and liabilities incurred through the effective date of  
11 suspension or termination including obligations, the performance of which extends  
12 beyond the effective date of suspension or termination;

13 (6) the Interstate Commission does not bear any costs relating to any  
14 state that has been found to be in default or which has been suspended or terminated  
15 from the compact, unless otherwise mutually agreed upon in writing between the  
16 Interstate Commission and the defaulting state;

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

22 (c) Dispute resolution

23 (1) the Interstate Commission shall attempt, upon the request of a  
24 member state, to resolve disputes which are subject to the compact and which may  
25 arise among member states and between member and non-member states;

26 (2) the Interstate Commission shall promulgate a rule providing for  
27 both mediation and binding dispute resolution for disputes as appropriate.

28 (d) Enforcement

29 (1) the Interstate Commission, in the reasonable exercise of its  
30 discretion, shall enforce the provisions and rules of this compact;

31 (2) the Interstate Commission, may by majority vote of the members,

1 initiate legal action in the United States District Court for the District of Columbia or,  
2 at the discretion of the Interstate Commission, in the federal district where the  
3 Interstate Commission has its principal offices, to enforce compliance with the  
4 provisions of the compact, its promulgated rules and bylaws, against a member state in  
5 default; the relief sought may include both injunctive relief and damages. If judicial  
6 enforcement is necessary the prevailing party shall be awarded all costs of such  
7 litigation including reasonable attorney's fees;

8 (3) the remedies in this compact are not the exclusive remedies of the  
9 Interstate Commission; the Interstate Commission may avail itself of any other  
10 remedies available under state law or the regulation of a profession.

#### 11 ARTICLE XIV

#### 12 FINANCING OF THE INTERSTATE COMMISSION

13 (a) The Interstate Commission shall pay, or provide for the payment of the  
14 reasonable expenses of its establishment, organization, and ongoing activities.

15 (b) The Interstate Commission may levy on and collect an annual assessment  
16 from each member state to cover the cost of the operations and activities of the  
17 Interstate Commission and its staff which must be in a total amount sufficient to cover  
18 the Interstate Commission's annual budget as approved each year. The aggregate  
19 annual assessment amount shall be allocated based upon a formula to be determined  
20 by the Interstate Commission, which shall promulgate a rule binding upon all member  
21 states.

22 (c) The Interstate Commission may not incur obligations of any kind before  
23 securing the funds adequate to meet the same; nor shall the Interstate Commission  
24 pledge the credit of any of the member states, except by and with the authority of the  
25 member state.

26 (d) The Interstate Commission shall keep accurate accounts of all receipts and  
27 disbursements. The receipts and disbursements of the Interstate Commission shall be  
28 subject to the audit and accounting procedures established under its bylaws. However,  
29 all receipts and disbursements of funds handled by the Interstate Commission shall be  
30 audited yearly by a certified or licensed public accountant and the report of the audit  
31 shall be included in and become part of the annual report of the Interstate

1 Commission.

2 ARTICLE XV

3 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

4 (a) A state is eligible to become a member state.

5 (b) The compact shall become effective and binding upon legislative  
6 enactment of the compact into law by no less than 10 of the states. The effective date  
7 shall be no earlier than December 1, 2007; thereafter it shall become effective and  
8 binding as to any other member state upon enactment of the compact into law by that  
9 state. The governors of non-member states or their designees shall be invited to  
10 participate in the activities of the Interstate Commission on a non-voting basis prior to  
11 adoption of the compact by all states.

12 (c) The Interstate Commission may propose amendments to the compact for  
13 enactment by the member states. No amendment shall become effective and binding  
14 upon the Interstate Commission and the member states unless and until it is enacted  
15 into law by unanimous consent of the member states.

16 ARTICLE XVI

17 WITHDRAWAL AND DISSOLUTION

18 (a) Withdrawal

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

23 (2) withdrawal from this compact shall be by the enactment of a statute  
24 repealing the same, but shall not take effect until one year after the effective date of  
25 the statute and until written notice of the withdrawal has been given by the  
26 withdrawing state to the governor of each other member jurisdiction;

27 (3) the withdrawing state shall immediately notify the chairperson of  
28 the Interstate Commission in writing upon the introduction of legislation repealing this  
29 compact in the withdrawing state; the Interstate Commission shall notify the other  
30 member states of the withdrawing state's intent to withdraw within 60 days of its  
31 receipt of the intent to withdraw;

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

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

7 (b) Dissolution of compact

8 (1) this compact shall dissolve effective upon the date of the  
9 withdrawal or default of the member state which reduces the membership in the  
10 compact to one member state;

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

15 ARTICLE XVII

16 SEVERABILITY AND CONSTRUCTION

17 (a) The provisions of this compact shall be severable, and if any phrase, clause,  
18 sentence, or provision is deemed unenforceable, the remaining provisions of the  
19 compact shall be enforceable.

20 (b) The provisions of this compact shall be liberally construed to effectuate its  
21 purposes.

22 (c) Nothing in this compact shall be construed to prohibit the applicability of  
23 other interstate compacts to which the states are members.

24 ARTICLE XVIII

25 BINDING EFFECT OF COMPACT AND OTHER LAWS

26 (a) Other laws

27 (1) Nothing herein prevents the enforcement of any other law of a  
28 member state that is not inconsistent with this compact;

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

31 (b) Binding effect of the compact

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

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

6 (3) If any provision of this compact exceeds the constitutional limits  
7 imposed on the legislature of any member state, the provision shall be ineffective to  
8 the extent of the conflict with the constitutional provision in question in that member  
9 state.

10 **Sec. 14.34.020. Compact administrator.** Under the compact established  
11 under AS 14.34.010, the commissioner may designate an officer as the compact  
12 administrator. The compact administrator shall cooperate with all departments,  
13 agencies, and officers of and in the government of this state and its subdivisions in  
14 facilitating the proper administration of the compact or of a supplementary agreement  
15 entered into by this state.

16 **Sec. 14.34.030. State council.** The board shall designate a subcommittee of its  
17 membership to serve as the state council under AS 14.34.010. Consistent with state  
18 law, the board shall designate other persons to serve on the subcommittee to complete  
19 the representation required by the compact established under AS 14.34.010.

20 **Sec. 14.34.040. Regulations.** The board may adopt regulations to implement  
21 this chapter.

22 **Sec. 14.34.090. Short title.** This chapter may be cited as the Interstate  
23 Compact on Educational Opportunity for Military Children.

24 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
25 read:

26 **INDIRECT COURT RULE AMENDMENTS.** The changes made by sec. 1 of this Act  
27 have the effect of changing:

28 (1) Rule 4, Alaska Rules of Civil Procedure, by entitling the Interstate  
29 Commission on Educational Opportunity for Military Children to receive service of process  
30 of a judicial proceeding in this state that pertains to the Interstate Compact on Educational  
31 Opportunity for Military Children set out in AS 14.34.010, enacted by sec. 1 of this Act, and



1 in which the validity of a compact provision or rule is an issue for which a judicial  
2 determination has been sought;

3 (2) Rule 24(b), Alaska Rules of Civil Procedure, by entitling the Interstate  
4 Commission on Educational Opportunity for Military Children to have standing to intervene  
5 in a judicial proceeding in this state that pertains to the Interstate Compact on Educational  
6 Opportunity for Military Children set out in AS 14.34.010, enacted in sec. 1 of this Act, and  
7 in which the validity of a compact provision or rule is at issue for which judicial  
8 determination has been sought.

9 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
10 read:

11 **CONDITIONAL EFFECT OF CERTAIN PROVISIONS.** The provisions of art.  
12 XIII(a)(3) of the Interstate Compact on Educational Opportunity for Military Children set out  
13 in AS 14.34.010, enacted in sec. 1 of this Act, concerning service of process and standing to  
14 intervene, take effect only if sec. 2 of this Act receives the two-thirds majority vote of each  
15 house required by art. IV, sec. 15, Constitution of the State of Alaska.

16 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 **CONDITIONAL EFFECT OF ACT; COMMISSIONER'S DUTY TO NOTIFY.** (a)  
19 Sections 1 and 2 of this Act take effect only if not less than 10 states other than this state  
20 ratify the Interstate Compact on Educational Opportunity for Military Children.

21 (b) The commissioner of education and early development or the commissioner's  
22 designee shall notify the lieutenant governor and the revisor of statutes when not less than 10  
23 states other than this state have ratified the Interstate Compact on Educational Opportunity for  
24 Military Children.

25 \* **Sec. 5.** If secs. 1 and 2 of this Act take effect under sec. 4 of this Act, they take effect the  
26 day after the date on which the commissioner of education and early development or the  
27 commissioner's designee notifies the revisor of statutes that not less than 10 states other than  
28 this state have ratified the Interstate Compact on Educational Opportunity for Military  
29 Children set out in AS 14.34.010. enacted in sec. 1 of this Act, or in a substantially similar  
30 form, or July 1, 2009, whichever is later.