



General Assembly

Substitute Bill No. 1028

January Session, 2023



AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 10-264l of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2023*):

4 (a) The Department of Education shall, within available
5 appropriations, establish a grant program (1) to assist (A) local and
6 regional boards of education, (B) regional educational service centers,
7 (C) the Board of Trustees of the Community-Technical Colleges on
8 behalf of Quinebaug Valley Community College and Three Rivers
9 Community College, and (D) cooperative arrangements pursuant to
10 section 10-158a, and (2) in assisting the state in meeting its obligations
11 pursuant to the decision in *Sheff v. O'Neill*, 238 Conn. 1 (1996), or any
12 related stipulation or order in effect, as determined by the
13 commissioner, to assist (A) the Board of Trustees of the Community-
14 Technical Colleges on behalf of a regional community-technical college,
15 (B) the Board of Trustees of the Connecticut State University System on
16 behalf of a state university, (C) the Board of Trustees of The University
17 of Connecticut on behalf of the university, (D) the board of governors
18 for an independent institution of higher education, as defined in

19 subsection (a) of section 10a-173, or the equivalent of such a board, on
20 behalf of the independent institution of higher education, and (E) any
21 other third-party not-for-profit corporation approved by the
22 commissioner with the operation of interdistrict magnet school
23 programs. All interdistrict magnet schools shall be operated in
24 conformance with the same laws and regulations applicable to public
25 schools. For the purposes of this section "an interdistrict magnet school
26 program" means a program which (i) supports racial, ethnic and
27 economic diversity, (ii) offers a special and high quality curriculum, and
28 (iii) requires students who are enrolled to attend at least half-time. An
29 interdistrict magnet school program does not include a regional
30 agricultural science and technology school, a technical education and
31 career school or a regional special education center. For the school
32 [years] year commencing July 1, 2017, [to July 1, 2023, inclusive] and
33 each school year thereafter, the governing authority for each
34 interdistrict magnet school program shall (I) restrict the number of
35 students that may enroll in the school from a participating district to
36 seventy-five per cent of the total school enrollment, and (II) maintain a
37 total school enrollment that is in accordance with the reduced-isolation
38 setting standards for interdistrict magnet school programs, developed
39 by the Commissioner of Education pursuant to section 10-264r, as
40 amended by this act.

41 (b) (1) Applications for interdistrict magnet school program
42 operating grants awarded pursuant to this section shall be submitted
43 annually to the Commissioner of Education at such time and in such
44 manner as the commissioner prescribes, except that on and after July 1,
45 2009, applications for such operating grants for new interdistrict magnet
46 schools, other than those that the commissioner determines will assist
47 the state in meeting its obligations pursuant to the decision in Sheff v.
48 O'Neill, 238 Conn. 1 (1996), or any related stipulation or order in effect,
49 as determined by the commissioner, shall not be accepted until the
50 commissioner develops a comprehensive state-wide interdistrict
51 magnet school plan. The commissioner shall submit such
52 comprehensive state-wide interdistrict magnet school plan on or before

53 October 1, 2016, to the joint standing committees of the General
54 Assembly having cognizance of matters relating to education and
55 appropriations.

56 (2) In determining whether an application shall be approved and
57 funds awarded pursuant to this section, the commissioner shall
58 consider, but such consideration shall not be limited to: (A) Whether the
59 program offered by the school is likely to increase student achievement;
60 (B) whether the program is likely to reduce racial, ethnic and economic
61 isolation; (C) the percentage of the student enrollment in the program
62 from each participating district; and (D) the proposed operating budget
63 and the sources of funding for the interdistrict magnet school. For a
64 magnet school not operated by a local or regional board of education,
65 the commissioner shall only approve a proposed operating budget that,
66 on a per pupil basis, does not exceed the maximum allowable threshold
67 established in accordance with this subdivision. The maximum
68 allowable threshold shall be an amount equal to one hundred twenty
69 per cent of the state average of the quotient obtained by dividing net
70 current expenditures, as defined in section 10-261, by average daily
71 membership, as defined in said section, for the fiscal year two years
72 prior to the fiscal year for which the operating grant is requested. The
73 Department of Education shall establish the maximum allowable
74 threshold no later than December fifteenth of the fiscal year prior to the
75 fiscal year for which the operating grant is requested. If requested by an
76 applicant that is not a local or regional board of education, the
77 commissioner may approve a proposed operating budget that exceeds
78 the maximum allowable threshold if the commissioner determines that
79 there are extraordinary programmatic needs. For the fiscal years ending
80 June 30, 2017, June 30, 2018, June 30, 2020, and June 30, 2021, in the case
81 of an interdistrict magnet school that will assist the state in meeting its
82 obligations pursuant to the decision in *Sheff v. O'Neill*, 238 Conn. 1
83 (1996), or any related stipulation or order in effect, as determined by the
84 commissioner, the commissioner shall also consider whether the school
85 is meeting the reduced-isolation setting standards for interdistrict
86 magnet school programs, developed by the commissioner pursuant to

87 section 10-264r, as amended by this act. If such school has not met such
88 reduced-isolation setting standards, it shall not be entitled to receive a
89 grant pursuant to this section unless the commissioner finds that it is
90 appropriate to award a grant for an additional year or years and
91 approves a plan to bring such school into compliance with such
92 reduced-isolation setting standards. If requested by the commissioner,
93 the applicant shall meet with the commissioner or the commissioner's
94 designee to discuss the budget and sources of funding.

95 (3) For the fiscal [years] year ending June 30, 2018, [to June 30, 2023,
96 inclusive] and each fiscal year thereafter, the commissioner shall not
97 award a grant to an interdistrict magnet school program that (A) has
98 more than seventy-five per cent of the total school enrollment from one
99 school district, or (B) does not maintain a total school enrollment that is
100 in accordance with the reduced-isolation setting standards for
101 interdistrict magnet school programs, developed by the Commissioner
102 of Education pursuant to section 10-264r, as amended by this act, except
103 the commissioner may award a grant to such school for an additional
104 year or years if the commissioner finds it is appropriate to do so and
105 approves a plan to bring such school into compliance with such
106 residency or reduced-isolation setting standards.

107 (4) For the fiscal years ending June 30, 2018, to June 30, 2021,
108 inclusive, if an interdistrict magnet school program does not maintain a
109 total school enrollment that is in accordance with the reduced-isolation
110 setting standards for interdistrict magnet school programs, developed
111 by the commissioner pursuant to section 10-264r, as amended by this
112 act, for two or more consecutive years, the commissioner may impose a
113 financial penalty on the operator of such interdistrict magnet school
114 program, or take any other measure, in consultation with such operator,
115 as may be appropriate to assist such operator in complying with such
116 reduced-isolation setting standards.

117 Sec. 2. Subparagraph (C) of subdivision (3) of subsection (c) of section
118 10-264l of the general statutes is repealed and the following is
119 substituted in lieu thereof (*Effective July 1, 2023*):

120 (C) (i) For the fiscal years ending June 30, 2015, to June 30, 2019,
121 inclusive, each interdistrict magnet school operated by a regional
122 educational service center that began operations for the school year
123 commencing July 1, 2001, and that for the school year commencing July
124 1, 2008, enrolled at least fifty-five per cent, but no more than eighty per
125 cent of the school's students from a single town, shall receive a per pupil
126 grant (I) for each enrolled student who is a resident of the district that
127 enrolls at least fifty-five per cent, but no more than eighty per cent of the
128 school's students, up to an amount equal to the total number of such
129 enrolled students as of October 1, 2013, using the data of record, in the
130 amount of eight thousand one hundred eighty dollars, (II) for each
131 enrolled student who is a resident of the district that enrolls at least fifty-
132 five per cent, but not more than eighty per cent of the school's students,
133 in an amount greater than the total number of such enrolled students as
134 of October 1, 2013, using the data of record, in the amount of three
135 thousand dollars, (III) for each enrolled student who is not a resident of
136 the district that enrolls at least fifty-five per cent, but no more than
137 eighty per cent of the school's students, up to an amount equal to the
138 total number of such enrolled students as of October 1, 2013, using the
139 data of record, in the amount of eight thousand one hundred eighty
140 dollars, and (IV) for each enrolled student who is not a resident of the
141 district that enrolls at least fifty-five per cent, but not more than eighty
142 per cent of the school's students, in an amount greater than the total
143 number of such enrolled students as of October 1, 2013, using the data
144 of record, in the amount of seven thousand eighty-five dollars.

145 (ii) For the fiscal [year] years ending June 30, 2020, [and each fiscal
146 year thereafter] to June 30, 2023, inclusive, each interdistrict magnet
147 school operated by a regional educational service center that began
148 operations for the school year commencing July 1, 2001, and that for the
149 school year commencing July 1, 2008, enrolled at least fifty-five per cent,
150 but not more than eighty per cent of the school's students from a single
151 town, shall receive a per pupil grant (I) for each enrolled student who is
152 a resident of the district that enrolls at least fifty-five per cent, but not
153 more than eighty per cent of the school's students, up to an amount

154 equal to the total number of such enrolled students as of October 1, 2013,
155 using the data of record, in the amount of eight thousand three hundred
156 forty-four dollars, (II) for each enrolled student who is a resident of the
157 district that enrolls at least fifty-five per cent, but not more than eighty
158 per cent of the school's students, in an amount greater than the total
159 number of such enrolled students as of October 1, 2013, using the data
160 of record, in the amount of three thousand sixty dollars, (III) for each
161 enrolled student who is not a resident of the district that enrolls at least
162 fifty-five per cent, but no more than eighty per cent of the school's
163 students, up to an amount equal to the total number of such enrolled
164 students as of October 1, 2013, using the data of record, in the amount
165 of eight thousand three hundred forty-four dollars, and (IV) for each
166 enrolled student who is not a resident of the district that enrolls at least
167 fifty-five per cent, but not more than eighty per cent of the school's
168 students, in an amount greater than the total number of such enrolled
169 students as of October 1, 2013, using the data of record, in the amount
170 of seven thousand two hundred twenty-seven dollars.

171 Sec. 3. Subsection (o) of section 10-264*l* of the general statutes is
172 repealed and the following is substituted in lieu thereof (*Effective July 1,*
173 *2023*):

174 (o) For the school years commencing July 1, 2009, to July 1, 2018,
175 inclusive, and for the school year commencing July 1, 2023, and each
176 school year thereafter, any local or regional board of education
177 operating an interdistrict magnet school pursuant to the decision in
178 *Sheff v. O'Neill*, 238 Conn. 1 (1996), or any related stipulation or order
179 in effect, shall not charge tuition for any student enrolled in a preschool
180 program or in kindergarten to grade twelve, inclusive, in an interdistrict
181 magnet school operated by such school district, except the Hartford
182 school district may charge tuition for any student enrolled in the Great
183 Path Academy.

184 Sec. 4. Section 10-264*r* of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective July 1, 2023*):

186 Not later than July 1, 2017, the Commissioner of Education shall
187 develop, and revise as necessary thereafter, reduced-isolation [setting]
188 enrollment standards for interdistrict magnet school programs that shall
189 serve as the enrollment requirements for purposes of section 10-264l, as
190 amended by this act. Such standards shall (1) comply with the decision
191 of Sheff v. O'Neill, 238 Conn. 1 (1996), or any related stipulation or order
192 in effect, for an interdistrict magnet school program located in the Sheff
193 region, as defined in subsection (k) of section 10-264l, as amended by
194 this act, (2) define the term "reduced-isolation student" for purposes of
195 the standards, [(2)] (3) establish a requirement for the minimum
196 percentage of reduced-isolation students that can be enrolled in an
197 interdistrict magnet school program, provided such minimum
198 percentage is not less than twenty per cent of the total school enrollment,
199 [(3)] (4) allow an interdistrict magnet school program to have a total
200 school enrollment of reduced-isolation students that is not more than
201 one per cent below the minimum percentage established by the
202 commissioner, provided the commissioner approves a plan that is
203 designed to bring the number of reduced-isolation students of such
204 interdistrict magnet school program into compliance with the minimum
205 percentage, and [(4)] (5) for the school year commencing July 1, 2018,
206 authorize the commissioner to establish on or before May 1, 2018, and
207 revise as necessary thereafter, an alternative reduced-isolation student
208 enrollment percentage for an interdistrict magnet school program
209 located in the Sheff region, [as defined in subsection (k) of section 10-
210 264l,] provided the commissioner (A) determines that such alternative
211 (i) increases opportunities for students who are residents of Hartford to
212 access an educational setting with reduced racial isolation or other
213 categories of diversity, including, but not limited to, geography,
214 socioeconomic status, special education, English language learners and
215 academic achievement, (ii) complies with the decision of Sheff v.
216 O'Neill, 238 Conn. 1 (1996), or any related stipulation or order in effect,
217 and (B) approves a plan for such interdistrict magnet school program
218 that is designed to bring the number of reduced-isolation students of
219 such interdistrict magnet school program into compliance with such
220 alternative or the minimum percentage described in subdivision (2) of

221 this section. Not later than May 1, 2018, the commissioner shall submit
222 a report on each alternative reduced-isolation student enrollment
223 percentage established, pursuant to subdivision (4) of this section, for
224 an interdistrict magnet school program located in the Sheff region to the
225 joint standing committee of the General Assembly having cognizance of
226 matters relating to education, in accordance with the provisions of
227 section 11-4a. The reduced-isolation setting standards for interdistrict
228 magnet school programs shall not be deemed to be regulations, as
229 defined in section 4-166.

230 Sec. 5. Section 10-262s of the general statutes is repealed and the
231 following is substituted in lieu thereof (*Effective July 1, 2023*):

232 (a) The Commissioner of Education may, to assist the state in meeting
233 its obligations pursuant to the decision in *Sheff v. O'Neill*, 238 Conn. 1
234 (1996), or any related stipulation or order in effect, as determined by the
235 Commissioner of Education, transfer funds appropriated for the Sheff
236 settlement to the following: (1) Grants for interdistrict cooperative
237 programs pursuant to section 10-74d, (2) grants for state charter schools
238 pursuant to section 10-66ee, (3) grants for the interdistrict public school
239 attendance program pursuant to section 10-266aa, (4) grants for
240 interdistrict magnet schools pursuant to section 10-264l, as amended by
241 this act, and (5) to the Technical Education and Career System for
242 programming.

243 (b) The Commissioner of Education may, to assist the state in meeting
244 its obligations pursuant to the decision in *Sheff v. O'Neill*, 238 Conn. 1
245 (1996), or any related stipulation or order in effect, as determined by the
246 Commissioner of Education, award grants with funds appropriated for
247 the Sheff settlement for academic and social student support programs
248 for the following voluntary interdistrict programs: (1) Interdistrict
249 cooperative programs pursuant to section 10-74d, (2) the interdistrict
250 public school attendance program pursuant to section 10-266aa, (3)
251 interdistrict magnet school programs pursuant to section 10-264l, as
252 amended by this act, and (4) the Technical Education and Career
253 System.

254 Sec. 6. Section 10-15f of the general statutes is repealed and the
255 following is substituted in lieu thereof (*Effective July 1, 2023*):

256 Interstate Compact on Educational Opportunity for Military
257 Children.

258 ARTICLE I

259 PURPOSE

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

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

267 B. Facilitating the student placement process through which children
268 of military families are not disadvantaged by variations in attendance
269 requirements, scheduling, sequencing, grading, course content or
270 assessment.

271 C. Facilitating the qualification and eligibility for enrollment,
272 educational programs, and participation in extracurricular academic,
273 athletic, and social activities.

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

275 E. Providing for the promulgation and enforcement of administrative
276 rules implementing the provisions of this compact.

277 F. Providing for the uniform collection and sharing of information
278 between and among member states, schools and military families under
279 this compact.

280 G. Promoting coordination between this compact and other compacts

281 affecting military children.

282 H. Promoting flexibility and cooperation between the educational
283 system, parents and the student in order to achieve educational success
284 for the student.

285 ARTICLE II

286 DEFINITIONS

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

289 A. "Active duty" means full-time duty status in the active uniformed
290 service of the United States, including members of the National Guard
291 and Reserve on active duty orders pursuant to 10 USC [Section]
292 Chapters 1209 and 1211.

293 B. "Children of military families" means school-aged children,
294 enrolled in kindergarten through twelfth grade, in the household of an
295 active duty member.

296 C. "Compact commissioner" means the voting representative of each
297 compacting state appointed pursuant to Article VIII of this compact.

298 D. "Deployment" means the period one month prior to the service
299 members' departure from their home station on military orders to six
300 months after return to their home station.

301 E. "Educational records" means the official records, files, and data
302 directly related to a student and maintained by the school or local
303 education agency, including, but not limited, to records encompassing
304 all the material kept in the student's cumulative folder such as general
305 identifying data, records of attendance and of academic work
306 completed, records of achievement and results of evaluative tests, health
307 data, disciplinary status, test protocols and individualized education
308 programs.

309 F. "Extracurricular activities" means a voluntary activity sponsored
310 by the school or local education agency or an organization sanctioned
311 by the local education agency. Extracurricular activities include, but are
312 not limited to, preparation for and involvement in public performances,
313 contests, athletic competitions, demonstrations, displays and club
314 activities.

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

318 H. "Local education agency" means a public authority legally
319 constituted by the state as an administrative agency to provide control
320 of and direction for kindergarten through twelfth grade public
321 educational institutions.

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

323 J. "Military installation" means a base, camp, post, station, yard,
324 center, homeport facility for any ship, or other activity under the
325 jurisdiction of the Department of Defense, including any leased facility,
326 which is located within any of the several states, the District of
327 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,
328 Guam, American Samoa, the Northern Marianas Islands and any other
329 U.S. Territory. Such term does not include any facility used primarily
330 for civil works, rivers and harbors projects, or flood control projects.

331 K. "Nonmember state" means a state that has not enacted this
332 compact.

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

335 M. "Rule" means a written statement by the Interstate Commission
336 promulgated pursuant to Article XII of this compact that is of general
337 applicability, implements, interprets or prescribes a policy or provision
338 of the compact, or an organizational, procedural or practice requirement

339 of the Interstate Commission, and has the force and effect of statutory
340 law in a member state, and includes the amendment, repeal or
341 suspension of an existing rule.

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

344 O. "State" means a state of the United States, the District of Columbia,
345 the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,
346 American Samoa, the Northern Marianas Islands and any other U.S.
347 territory.

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

351 Q. "Transition" means (1) the formal and physical process of
352 transferring from school to school, or (2) the period of time in which a
353 student moves from one school in the sending state to another school in
354 the receiving state.

355 R. "Uniformed services" means the Army, Navy, Air Force, Marine
356 Corps, Coast Guard as well as the Commissioned Corps of the National
357 Oceanic and Atmospheric Administration, and Public Health Services.

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

361 ARTICLE III

362 APPLICABILITY

363 A. Except as otherwise provided in Section B, this compact shall
364 apply to the children of:

365 1. Active duty members of the uniformed services as defined in this
366 compact, including members of the National Guard and Reserve on

367 active duty orders pursuant to 10 USC [Section] Chapters 1209 and 1211;

368 2. Members or veterans of the uniformed services who are severely
369 injured and medically discharged or retired for a period of one year after
370 medical discharge or retirement; and

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

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

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

377 1. Inactive members of the National Guard and military reserves;

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

380 3. Veterans of the uniformed services, except as provided in Section
381 A of this Article; and

382 4. Other U.S. Dept. of Defense personnel and other federal agency
383 civilian and contract employees not defined as active duty members of
384 the uniformed services.

385 ARTICLE IV

386 EDUCATIONAL RECORDS & ENROLLMENT

387 A. In the event that official education records cannot be released to
388 the parents for the purpose of transfer, the custodian of the records in
389 the sending state shall prepare and furnish to the parent a complete set
390 of unofficial educational records containing uniform information as
391 determined by the Interstate Commission. Upon receipt of the unofficial
392 education records by a school in the receiving state, the school shall
393 enroll and appropriately place the student based on the information

394 provided in the unofficial records pending validation by the official
395 records, as quickly as possible.

396 B. Simultaneous with the enrollment and conditional placement of
397 the student, the school in the receiving state shall request the student's
398 official education record from the school in the sending state. Upon
399 receipt of this request, the school in the sending state will process and
400 furnish the official education records to the school in the receiving state
401 within ten days or within such time as is reasonably determined under
402 the rules promulgated by the Interstate Commission.

403 C. Compacting states shall give thirty days from the date of
404 enrollment or within such time as is reasonably determined under the
405 rules promulgated by the Interstate Commission, for students to obtain
406 any immunizations required by the receiving state. For a series of
407 immunizations, initial vaccinations must be obtained within thirty days
408 or within such time as is reasonably determined under the rules
409 promulgated by the Interstate Commission.

410 D. Students shall be allowed to continue their enrollment at grade
411 level in the receiving state commensurate with their grade level,
412 including kindergarten, from a local education agency in the sending
413 state at the time of transition, regardless of age. A student that has
414 satisfactorily completed the prerequisite grade level in the local
415 education agency in the sending state shall be eligible for enrollment in
416 the next highest grade level in the receiving state, regardless of age. A
417 student transferring after the start of the school year in the receiving
418 state shall enter the school in the receiving state on their validated level
419 from an accredited school in the sending state.

420 ARTICLE V

421 PLACEMENT & ATTENDANCE

422 A. When the student transfers before or during the school year, the
423 receiving state school shall initially honor placement of the student in
424 educational courses based on the student's enrollment in the sending

425 state school and educational assessments conducted at the school in the
426 sending state if the courses are offered. Course placement includes, but
427 is not limited to, honors, International Baccalaureate, advanced
428 placement, vocational, technical and career pathways courses.
429 Continuing the student's academic program from the previous school
430 and promoting placement in academically and career challenging
431 courses should be paramount when considering placement. This does
432 not preclude the school in the receiving state from performing
433 subsequent evaluations to ensure appropriate placement and continued
434 enrollment of the student in the courses.

435 B. The receiving state school shall initially honor placement of the
436 student in educational programs based on current educational
437 assessments conducted at the school in the sending state or participation
438 and placement in like programs in the sending state. Such programs
439 include, but are not limited to: (1) Gifted and talented programs; and (2)
440 English as a second language. This does not preclude the school in the
441 receiving state from performing subsequent evaluations to ensure
442 appropriate placement of the student.

443 C. (1) In compliance with the federal requirements of the Individuals
444 with Disabilities Education Act, 20 U.S.C.A. Section 1400 et seq., the
445 receiving state shall initially provide comparable services to a student
446 with disabilities based on his current individualized education
447 program; and (2) In compliance with the requirements of Section 504 of
448 the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the
449 Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the
450 receiving state shall make reasonable accommodations and
451 modifications to address the needs of incoming students with
452 disabilities, subject to an existing 504 or Title II Plan, to provide the
453 student with equal access to education. This does not preclude the
454 school in the receiving state from performing subsequent evaluations to
455 ensure appropriate placement of the student.

456 D. Local education agency administrative officials shall have
457 flexibility in waiving course and program prerequisites, or other

458 preconditions for placement in courses and programs offered under the
459 jurisdiction of the local education agency.

460 E. A student whose parent or legal guardian is an active duty member
461 of the uniformed services, as defined by the compact, and has been
462 called to duty for, is on leave from, or immediately returned from
463 deployment to a combat zone or combat support posting, shall be
464 granted additional excused absences at the discretion of the local
465 education agency superintendent to visit with his parent or legal
466 guardian relative to such leave or deployment of the parent or guardian.

467 ARTICLE VI

468 ELIGIBILITY

469 A. Eligibility for enrollment

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

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

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

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

487 ARTICLE VII

488 GRADUATION

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

492 A. Local education agency administrative officials shall waive
493 specific courses required for graduation if similar course work has been
494 satisfactorily completed in another local education agency or shall
495 provide reasonable justification for denial. Should a waiver not be
496 granted to a student who would qualify to graduate from the sending
497 school, the local education agency shall provide an alternative means of
498 acquiring required coursework so that graduation may occur on time.

499 B. States shall accept: (1) Exit or end-of-course exams required for
500 graduation from the sending state; or (2) national norm-referenced
501 achievement tests; or (3) alternative testing, in lieu of testing
502 requirements for graduation in the receiving state. In the event the
503 above alternatives cannot be accommodated by the receiving state for a
504 student transferring in his senior year, then the provisions of Article VII,
505 Section C shall apply.

506 C. Should a military student transferring at the beginning or during
507 his or her senior year be ineligible to graduate from the receiving local
508 education agency after all alternatives have been considered, the
509 sending and receiving local education agencies shall ensure the receipt
510 of a diploma from the sending local education agency, if the student
511 meets the graduation requirements of the sending local education
512 agency. In the event that one of the states in question is not a member of
513 this compact, the member state shall use best efforts to facilitate the on-
514 time graduation of the student in accordance with Sections A and B of
515 this Article.

516 ARTICLE VIII

517 STATE COORDINATION

518 A. Each member state shall, through the creation of a State Council or
519 use of an existing body or board, provide for the coordination among its
520 agencies of government, local education agencies and military
521 installations concerning the state's participation in, and compliance
522 with, this compact and Interstate Commission activities. While each
523 member state may determine the membership of its own State Council,
524 its membership must include at least: The state superintendent of
525 education, superintendent of a school district with a high concentration
526 of military children, representative from a military installation, one
527 representative each from the legislative and executive branches of
528 government, and other offices and stakeholder groups the State Council
529 deems appropriate. A member state that does not have a school district
530 deemed to contain a high concentration of military children may
531 appoint a superintendent from another school district to represent local
532 education agencies on the State Council.

533 B. The State Council of each member state shall appoint or designate
534 a military family education liaison to assist military families and the
535 state in facilitating the implementation of this compact.

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

540 D. The compact commissioner and the military family education
541 liaison designated herein shall be ex-officio members of the State
542 Council, unless either is already a full voting member of the State
543 Council.

544 ARTICLE IX

545 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY
546 FOR MILITARY CHILDREN

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

551 A. Be a body corporate and joint agency of the member states and
552 shall have all the responsibilities, powers and duties set forth herein,
553 and such additional powers as may be conferred upon it by a
554 subsequent concurrent action of the respective legislatures of the
555 member states in accordance with the terms of this compact.

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

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

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

563 3. A representative shall not delegate a vote to another member state.
564 In the event the compact commissioner is unable to attend a meeting of
565 the Interstate Commission, the Governor or State Council may delegate
566 voting authority to another person from their state for a specified
567 meeting.

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

570 C. Consist of ex-officio, nonvoting representatives who are members
571 of interested organizations. Such ex-officio members, as defined in the
572 bylaws, may include, but not be limited to, members of the
573 representative organizations of military family advocates, local
574 education agency officials, parent and teacher groups, the U.S.
575 Department of Defense, the Education Commission of the States, the
576 Interstate Agreement on the Qualification of Educational Personnel and

577 other interstate compacts affecting the education of children of military
578 members.

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

582 E. Establish an executive committee, whose members shall include
583 the officers of the Interstate Commission and such other members of the
584 Interstate Commission as determined by the bylaws. Members of the
585 executive committee shall serve a one-year term. Members of the
586 executive committee shall be entitled to one vote each. The executive
587 committee shall have the power to act on behalf of the Interstate
588 Commission, with the exception of rulemaking, during periods when
589 the Interstate Commission is not in session. The executive committee
590 shall oversee the day-to-day activities of the administration of the
591 compact including enforcement and compliance with the provisions of
592 the compact, its bylaws and rules, and other such duties as deemed
593 necessary. The U.S. Dept. of Defense, shall serve as an ex-officio,
594 nonvoting member of the executive committee.

595 F. Establish bylaws and rules that provide for conditions and
596 procedures under which the Interstate Commission shall make its
597 information and official records available to the public for inspection or
598 copying. The Interstate Commission may exempt from disclosure
599 information or official records to the extent they would adversely affect
600 personal privacy rights or proprietary interests.

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

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

608 2. Disclose matters specifically exempted from disclosure by federal
609 and state statute;

610 3. Disclose trade secrets or commercial or financial information which
611 is privileged or confidential;

612 4. Involve accusing a person of a crime, or formally censuring a
613 person;

614 5. Disclose information of a personal nature where disclosure would
615 constitute a clearly unwarranted invasion of personal privacy;

616 6. Disclose investigative records compiled for law enforcement
617 purposes; or

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

620 H. Cause its legal counsel or designee to certify that a meeting may
621 be closed and shall reference each relevant exemptible provision for any
622 meeting, or portion of a meeting, which is closed pursuant to this
623 provision. The Interstate Commission shall keep minutes which shall
624 fully and clearly describe all matters discussed in a meeting and shall
625 provide a full and accurate summary of actions taken, and the reasons
626 therefor, including a description of the views expressed and the record
627 of a roll call vote. All documents considered in connection with an action
628 shall be identified in such minutes. All minutes and documents of a
629 closed meeting shall remain under seal, subject to release by a majority
630 vote of the Interstate Commission.

631 I. Collect standardized data concerning the educational transition of
632 the children of military families under this compact as directed through
633 its rules which shall specify the data to be collected, the means of
634 collection and data exchange and reporting requirements. Such
635 methods of data collection, exchange and reporting shall, insofar as is
636 reasonably possible, conform to current technology and coordinate its
637 information functions with the appropriate custodian of records as

638 identified in the bylaws and rules.

639 J. Create a process that permits military officials, education officials
640 and parents to inform the Interstate Commission if and when there are
641 alleged violations of the compact or its rules or when issues subject to
642 the jurisdiction of the compact or its rules are not addressed by the state
643 or local education agency. This section shall not be construed to create a
644 private right of action against the Interstate Commission or any member
645 state.

646 ARTICLE X

647 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

648 The Interstate Commission shall have the following powers:

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

650 B. To promulgate rules and take all necessary actions to effect the
651 goals, purposes and obligations as enumerated in this compact. The
652 rules shall have the force and effect of statutory law and shall be binding
653 in the compact states to the extent and in the manner provided in this
654 compact.

655 C. To issue, upon request of a member state, advisory opinions
656 concerning the meaning or interpretation of the interstate compact, its
657 bylaws, rules and actions.

658 D. To enforce compliance with the compact provisions, the rules
659 promulgated by the Interstate Commission, and the bylaws, using all
660 necessary and proper means, including but not limited to the use of
661 judicial process.

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

664 F. To purchase and maintain insurance and bonds.

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

666 H. To establish and appoint committees including, but not limited to,
667 an executive committee as required by Article IX, Section E, which shall
668 have the power to act on behalf of the Interstate Commission in carrying
669 out its powers and duties hereunder.

670 I. To elect or appoint such officers, attorneys, employees, agents, or
671 consultants, and to fix their compensation, define their duties and
672 determine their qualifications; and to establish the Interstate
673 Commission's personnel policies and programs relating to conflicts of
674 interest, rates of compensation, and qualifications of personnel.

675 J. To accept any and all donations and grants of money, equipment,
676 supplies, materials, and services, and to receive, utilize, and dispose of
677 it.

678 K. To lease, purchase, accept contributions or donations of, or
679 otherwise to own, hold, improve or use any property, real, personal or
680 mixed.

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

683 M. To establish a budget and make expenditures.

684 N. To adopt a seal and bylaws governing the management and
685 operation of the Interstate Commission.

686 O. To report annually to the legislatures, governors, judiciary, and
687 state councils of the member states concerning the activities of the
688 Interstate Commission during the preceding year. Such reports shall
689 also include any recommendations that may have been adopted by the
690 Interstate Commission.

691 P. To coordinate education, training and public awareness regarding
692 the compact, its implementation and operation for officials and parents

693 involved in such activity.

694 Q. To establish uniform standards for the reporting, collecting and
695 exchanging of data.

696 R. To maintain corporate books and records in accordance with the
697 bylaws.

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

700 T. To provide for the uniform collection and sharing of information
701 between and among member states, schools and military families under
702 this compact.

703 ARTICLE XI

704 ORGANIZATION AND OPERATION OF THE INTERSTATE
705 COMMISSION

706 A. The Interstate Commission shall, by a majority of the members
707 present and voting, within twelve months after the first Interstate
708 Commission meeting, adopt bylaws to govern its conduct as may be
709 necessary or appropriate to carry out the purposes of the compact,
710 including, but not limited to:

711 1. Establishing the fiscal year of the Interstate Commission;

712 2. Establishing an executive committee, and such other committees as
713 may be necessary;

714 3. Providing for the establishment of committees and for governing
715 any general or specific delegation of authority or function of the
716 Interstate Commission;

717 4. Providing reasonable procedures for calling and conducting
718 meetings of the Interstate Commission, and ensuring reasonable notice
719 of each such meeting;

720 5. Establishing the titles and responsibilities of the officers and staff
721 of the Interstate Commission;

722 6. Providing a mechanism for concluding the operations of the
723 Interstate Commission and the return of surplus funds that may exist
724 upon the termination of the compact after the payment and reserving of
725 all of its debts and obligations;

726 7. Providing start-up rules for initial administration of the compact.

727 B. The Interstate Commission shall, by a majority of the members,
728 elect annually from among its members a chairperson, a vice-
729 chairperson, and a treasurer, each of whom shall have such authority
730 and duties as may be specified in the bylaws. The chairperson or, in the
731 chairperson's absence or disability, the vice-chairperson, shall preside at
732 all meetings of the Interstate Commission. The officers so elected shall
733 serve without compensation or remuneration from the Interstate
734 Commission provided that, subject to the availability of budgeted
735 funds, the officers shall be reimbursed for ordinary and necessary costs
736 and expenses incurred by them in the performance of their
737 responsibilities as officers of the Interstate Commission.

738 C. Executive Committee, Officers and Personnel

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

741 a. Managing the affairs of the Interstate Commission in a manner
742 consistent with the bylaws and purposes of the Interstate Commission;

743 b. Overseeing an organizational structure within, and appropriate
744 procedures for the Interstate Commission to provide for the creation of
745 rules, operating procedures, and administrative and technical support
746 functions; and

747 c. Planning, implementing, and coordinating communications and
748 activities with other state, federal and local government organizations

749 in order to advance the goals of the Interstate Commission.

750 2. The executive committee may, subject to the approval of the
751 Interstate Commission, appoint or retain an executive director for such
752 period, upon such terms and conditions and for such compensation, as
753 the Interstate Commission may deem appropriate. The executive
754 director shall serve as secretary to the Interstate Commission, but shall
755 not be a member of the Interstate Commission. The executive director
756 shall hire and supervise such other persons as may be authorized by the
757 Interstate Commission.

758 D. The Interstate Commission's executive director and its employees
759 shall be immune from suit and liability, either personally or in their
760 official capacity, for a claim for damage to or loss of property or personal
761 injury or other civil liability caused or arising out of or relating to an
762 actual or alleged act, error, or omission that occurred, or that such
763 person had a reasonable basis for believing occurred, within the scope
764 of Interstate Commission employment, duties, or responsibilities
765 provided, such person shall not be protected from suit or liability for
766 damage, loss, injury, or liability caused by the intentional or willful and
767 wanton misconduct of such person.

768 1. The liability of the Interstate Commission's executive director and
769 employees or Interstate Commission representatives, acting within the
770 scope of such person's employment or duties for acts, errors, or
771 omissions occurring within such person's state may not exceed the
772 limits of liability set forth under the Constitution and laws of that state
773 for state officials, employees, and agents. The Interstate Commission is
774 considered to be an instrumentality of the states for the purposes of any
775 such action. Nothing in this subsection shall be construed to protect
776 such person from suit or liability for damage, loss, injury, or liability
777 caused by the intentional or willful and wanton misconduct of such
778 person.

779 2. The Interstate Commission shall defend the executive director and
780 its employees and, subject to the approval of the Attorney General or

781 other appropriate legal counsel of the member state represented by an
782 Interstate Commission representative, shall defend such Interstate
783 Commission representative in any civil action seeking to impose
784 liability arising out of an actual or alleged act, error or omission that
785 occurred within the scope of Interstate Commission employment, duties
786 or responsibilities, or that the defendant had a reasonable basis for
787 believing occurred within the scope of Interstate Commission
788 employment, duties, or responsibilities, provided that the actual or
789 alleged act, error, or omission did not result from intentional or willful
790 and wanton misconduct on the part of such person.

791 3. To the extent not covered by the state involved, member state, or
792 the Interstate Commission, the representatives or employees of the
793 Interstate Commission shall be held harmless in the amount of a
794 settlement or judgment, including attorney's fees and costs, obtained
795 against such persons arising out of an actual or alleged act, error, or
796 omission that occurred within the scope of Interstate Commission
797 employment, duties, or responsibilities, or that such persons had a
798 reasonable basis for believing occurred within the scope of Interstate
799 Commission employment, duties, or responsibilities, provided that the
800 actual or alleged act, error, or omission did not result from intentional
801 or willful and wanton misconduct on the part of such persons.

802 ARTICLE XII

803 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

804 A. The Interstate Commission shall promulgate reasonable rules in
805 order to effectively and efficiently achieve the purposes of this compact.
806 Notwithstanding the foregoing, in the event the Interstate Commission
807 exercises its rulemaking authority in a manner that is beyond the scope
808 of the purposes of this compact, or the powers granted hereunder, then
809 such an action by the Interstate Commission shall be invalid and have
810 no force or effect.

811 B. Rules shall be made pursuant to a rulemaking process that

812 substantially conforms to the "Model State Administrative Procedure
813 Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as
814 amended, as may be appropriate to the operations of the Interstate
815 Commission.

816 C. Not later than thirty days after a rule is promulgated, any person
817 may file a petition for judicial review of the rule provided, the filing of
818 such a petition shall not stay or otherwise prevent the rule from
819 becoming effective unless the court finds that the petitioner has a
820 substantial likelihood of success. The court shall give deference to the
821 actions of the Interstate Commission consistent with applicable law and
822 shall not find the rule to be unlawful if the rule represents a reasonable
823 exercise of the Interstate Commission's authority.

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

828 ARTICLE XIII

829 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

830 A. Oversight

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

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

840 3. The Interstate Commission shall be entitled to receive all service of

841 process in any such proceeding, and shall have standing to intervene in
842 the proceeding for all purposes. Failure to provide service of process to
843 the Interstate Commission shall render a judgment or order void as to
844 the Interstate Commission, this compact or promulgated rules.

845 B. If the Interstate Commission determines that a member state has
846 defaulted in the performance of its obligations or responsibilities under
847 this compact, or the bylaws or promulgated rules, the Interstate
848 Commission shall:

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

854 2. Provide remedial training and specific technical assistance
855 regarding the default.

856 3. If the defaulting state fails to cure the default, the defaulting state
857 shall be terminated from the compact upon an affirmative vote of a
858 majority of the member states and all rights, privileges and benefits
859 conferred by this compact shall be terminated from the effective date of
860 termination. A cure of the default does not relieve the offending state of
861 obligations or liabilities incurred during the period of the default.

862 4. Suspension or termination of membership in the compact shall be
863 imposed only after all other means of securing compliance have been
864 exhausted. Notice of intent to suspend or terminate shall be given by the
865 Interstate Commission to the Governor, the majority and minority
866 leaders of the defaulting state's legislature, and each of the member
867 states.

868 5. The state which has been suspended or terminated is responsible
869 for all assessments, obligations and liabilities incurred through the
870 effective date of suspension or termination including obligations, the
871 performance of which extends beyond the effective date of suspension

872 or termination.

873 6. The Interstate Commission shall not bear any costs relating to any
874 state that has been found to be in default or which has been suspended
875 or terminated from the compact, unless otherwise mutually agreed
876 upon in writing between the Interstate Commission and the defaulting
877 state.

878 7. The defaulting state may appeal the action of the Interstate
879 Commission by petitioning the U.S. District Court for the District of
880 Columbia or the federal district where the Interstate Commission has its
881 principal offices. The prevailing party shall be awarded all costs of such
882 litigation including reasonable attorney's fees.

883 C. Dispute Resolution

884 1. The Interstate Commission shall attempt, upon the request of a
885 member state, to resolve disputes which are subject to the compact and
886 which may arise among member states and between member and
887 nonmember states.

888 2. The Interstate Commission shall promulgate a rule providing for
889 both mediation and binding dispute resolution for disputes as
890 appropriate.

891 D. Enforcement

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

894 2. The Interstate Commission may, by majority vote of the members,
895 initiate legal action in the United States District Court for the District of
896 Columbia or, at the discretion of the Interstate Commission, in the
897 federal district where the Interstate Commission has its principal offices,
898 to enforce compliance with the provisions of the compact, its
899 promulgated rules and bylaws, against a member state in default. The
900 relief sought may include both injunctive relief and damages. In the

901 event judicial enforcement is necessary the prevailing party shall be
902 awarded all costs of such litigation including reasonable attorney's fees.

903 3. The remedies herein shall not be the exclusive remedies of the
904 Interstate Commission. The Interstate Commission may avail itself of
905 any other remedies available under state law or the regulation of a
906 profession.

907 ARTICLE XIV

908 FINANCING OF THE INTERSTATE COMMISSION

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

912 B. The Interstate Commission may levy on and collect an annual
913 assessment from each member state to cover the cost of the operations
914 and activities of the Interstate Commission and its staff which must be
915 in a total amount sufficient to cover the Interstate Commission's annual
916 budget as approved each year. The aggregate annual assessment
917 amount shall be allocated based upon a formula to be determined by the
918 Interstate Commission, which shall promulgate a rule binding upon all
919 member states.

920 C. The Interstate Commission shall not incur obligations of any kind
921 prior to securing the funds adequate to meet the same; nor shall the
922 Interstate Commission pledge the credit of any of the member states,
923 except by and with the authority of the member state.

924 D. The Interstate Commission shall keep accurate accounts of all
925 receipts and disbursements. The receipts and disbursements of the
926 Interstate Commission shall be subject to the audit and accounting
927 procedures established under its bylaws. However, all receipts and
928 disbursements of funds handled by the Interstate Commission shall be
929 audited yearly by a certified or licensed public accountant and the
930 report of the audit shall be included in and become part of the annual

931 report of the Interstate Commission.

932 ARTICLE XV

933 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

935 B. The compact shall become effective and binding upon legislative
936 enactment of the compact into law by no less than ten of the states. The
937 effective date shall be no earlier than December 1, 2007. Thereafter it
938 shall become effective and binding as to any other member state upon
939 enactment of the compact into law by that state. The governors of
940 nonmember states or their designees shall be invited to participate in
941 the activities of the Interstate Commission on a nonvoting basis prior to
942 adoption of the compact by all states.

943 C. The Interstate Commission may propose amendments to the
944 compact for enactment by the member states. No amendment shall
945 become effective and binding upon the Interstate Commission and the
946 member states unless and until it is enacted into law by unanimous
947 consent of the member states.

948 ARTICLE XVI

949 WITHDRAWAL AND DISSOLUTION

950 A. Withdrawal

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

955 2. Withdrawal from this compact shall be by the enactment of a
956 statute repealing the same, but shall not take effect until one year after
957 the effective date of such statute and until written notice of the
958 withdrawal has been given by the withdrawing state to the Governor of

959 each other member jurisdiction.

960 3. The withdrawing state shall immediately notify the chairperson of
961 the Interstate Commission in writing upon the introduction of
962 legislation repealing this compact in the withdrawing state. The
963 Interstate Commission shall notify the other member states of the
964 withdrawing state's intent to withdraw within sixty days of its receipt
965 thereof.

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

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

973 B. Dissolution of Compact

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

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

981 ARTICLE XVII

982 SEVERABILITY AND CONSTRUCTION

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

986 B. The provisions of this compact shall be liberally construed to

987 effectuate its purposes.

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

991 ARTICLE XVIII

992 BINDING EFFECT OF COMPACT AND OTHER LAWS

993 A. Other Laws

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

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

998 B. Binding Effect of the Compact

999 1. All lawful actions of the Interstate Commission, including all rules
1000 and bylaws promulgated by the Interstate Commission, are binding
1001 upon the member states.

1002 2. All agreements between the Interstate Commission and the
1003 member states are binding in accordance with their terms.

1004 3. In the event any provision of this compact exceeds the
1005 constitutional limits imposed on the legislature of any member state,
1006 such provision shall be ineffective to the extent of the conflict with the
1007 constitutional provision in question in that member state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	10-2641(a) and (b)
Sec. 2	July 1, 2023	10-2641(c)(3)(C)
Sec. 3	July 1, 2023	10-2641(o)
Sec. 4	July 1, 2023	10-264r

Sec. 5	<i>July 1, 2023</i>	10-262s
Sec. 6	<i>July 1, 2023</i>	10-15f

ED *Joint Favorable Subst.*