

SENATE FILE NO. SF0078

Interstate compact on students of military families-3.

Sponsored by: Senator(s) Johnson, Hastert and Nutting and  
Representative(s) Greene and Illoway

A BILL

for

1 AN ACT relating to education; providing for an interstate  
2 compact on educational opportunity for military children;  
3 facilitating enrollment and placement of children of  
4 military families; providing for involvement in an  
5 interstate commission; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 21-24-101 through 21-24-118 are  
10 created to read:

11

12 CHAPTER 24

13 INTERSTATE COMPACT ON STUDENTS OF MILITARY FAMILIES

14

15 **21-24-101. Purpose.**

16

1           (a) It is the purpose of this compact to remove  
2 barriers to educational success imposed on children of  
3 military families because of frequent moves and deployment  
4 of their parents by:

5

6           (i) Facilitating the timely enrollment of  
7 children of military families and ensuring that they are  
8 not placed at a disadvantage due to difficulty in the  
9 transfer of education records from the previous school  
10 district or variations in entrance-age requirements;

11

12           (ii) Facilitating the student placement process  
13 through which children of military families are not  
14 disadvantaged by variations in attendance requirements,  
15 scheduling, sequencing, grading, course content or  
16 assessment;

17

18           (iii) Facilitating the qualification and  
19 eligibility for enrollment, educational programs and  
20 participation in extracurricular academic, athletic and  
21 social activities;

22

23           (iv) Facilitating the on-time graduation of  
24 children of military families;

1

2 (v) Providing for the promulgation and  
3 enforcement of administrative rules implementing the  
4 provisions of this compact;

5

6 (vi) Providing for the uniform collection and  
7 sharing of information between and among member states,  
8 schools and military families under this compact;

9

10 (vii) Promoting coordination between this compact  
11 and other compacts affecting military children;

12

13 (viii) Promoting flexibility and cooperation  
14 between the educational system, parents and the student in  
15 order to achieve educational success for the student.

16

17 **21-24-102. Definitions.**

18

19 (a) As used in this compact, unless the context  
20 clearly requires a different construction:

21

22 (i) "Active duty" means full-time duty status in  
23 the active uniformed service of the United States,  
24 including members of the national guard and reserve on

1 active duty orders pursuant to 10 U.S.C. sections 1209 and  
2 1211;

3

4 (ii) "Children of military families" means  
5 school-aged children, enrolled in kindergarten through  
6 twelfth grade, in the household of an active duty member;

7

8 (iii) "Compact commissioner" means the voting  
9 representative of each compacting state appointed pursuant  
10 to W.S. 21-24-108;

11

12 (iv) "Deployment" means the period one (1) month  
13 prior to the service members' departure from their home  
14 station on military orders though six (6) months after  
15 return to their home station;

16

17 (v) "Educational records" means those official  
18 records, files and data directly related to a student and  
19 maintained by the school or local education agency,  
20 including but not limited to records encompassing all the  
21 material kept in the student's cumulative folder such as  
22 general identifying data, records of attendance and of  
23 academic work completed, records of achievement and results

1 of evaluative tests, health data, disciplinary status, test  
2 protocols and individualized education programs;

3

4 (vi) "Extracurricular activities" means a  
5 voluntary activity sponsored by the school or local  
6 education agency or an organization sanctioned by the local  
7 education agency. "Extracurricular activities" include,  
8 but are not limited to, preparation for and involvement in  
9 public performances, contests, athletic competitions,  
10 demonstrations, displays and club activities;

11

12 (vii) "Interstate commission on educational  
13 opportunity for military children" means the commission  
14 that is created under W.S. 21-24-109, which is generally  
15 referred to as interstate commission;

16

17 (viii) "Local education agency" means a public  
18 authority legally constituted by the state as an  
19 administrative agency to provide control of and direction  
20 for kindergarten through twelfth grade public educational  
21 institutions;

22

23 (ix) "Member state" means a state that has  
24 enacted this compact;

1

2           (x) "Military installation" means a base, camp,  
3 post, station, yard, center, homeport facility for any ship  
4 or other activity under the jurisdiction of the department  
5 of defense, including any leased facility, which is located  
6 within any of the several states, the District of Columbia,  
7 the Commonwealth of Puerto Rico, the U.S. Virgin Islands,  
8 Guam, American Samoa, the Northern Marianas Islands and any  
9 other U.S. territory. The term does not include any  
10 facility used primarily for civil works, rivers and harbors  
11 projects or flood control projects;

12

13           (xi) "Nonmember state" means a state that has not  
14 enacted this compact;

15

16           (xii) "Receiving state" means the state to which  
17 a child of a military family is sent, brought or caused to  
18 be sent or brought;

19

20           (xiii) "Rule" means a written statement by the  
21 interstate commission promulgated pursuant to W.S.  
22 21-24-112 that is of general applicability, implements,  
23 interprets or prescribes a policy or provision of the  
24 compact, or an organizational, procedural or practice

1 requirement of the interstate commission, and includes the  
2 amendment, repeal or suspension of an existing rule;

3

4 (xiv) "Sending state" means the state from which  
5 a child of a military family is sent, brought or caused to  
6 be sent or brought;

7

8 (xv) "State" means a state of the United States,  
9 the District of Columbia, the Commonwealth of Puerto Rico,  
10 the U.S. Virgin Islands, Guam, American Samoa, the Northern  
11 Marianas Islands and any other U.S. territory;

12

13 (xvi) "Student" means the child of a military  
14 family for whom the local education agency receives public  
15 funding and who is formally enrolled in kindergarten  
16 through twelfth grade;

17

18 (xvii) "Transition" means:

19

20 (A) The formal and physical process of  
21 transferring from school to school; or

22

1                   (B) The period of time in which a student  
2 moves from one (1) school in the sending state to another  
3 school in the receiving state.

4  
5                   (xviii) "Uniformed service" means the army, navy,  
6 air force, marine corps, and coast guard including the  
7 commissioned corps of the national oceanic and atmospheric  
8 administration and public health services;

9  
10                  (xix) "Veteran" means a person who served in the  
11 uniformed services and who was discharged or released  
12 therefrom under conditions other than dishonorable.

13

14                  **21-24-103. Applicability.**

15

16                  (a) Except as otherwise provided in subsection (b) of  
17 this section, this compact shall apply to the children of:

18

19                  (i) Active duty members of the uniformed services  
20 as defined in this compact, including members of the  
21 national guard and reserve on active duty orders pursuant  
22 to 10 U.S.C. sections 1209 and 1211;

23



1           (ii) Members or veterans of the uniformed  
2 services who are severely injured and medically discharged  
3 or retired for a period of one (1) year after medical  
4 discharge or retirement; and

5

6           (iii) Members of the uniformed services who die  
7 on active duty or as a result of injuries sustained on  
8 active duty for a period of one (1) year after death.

9

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

13

14          (c) The provisions of this compact shall not apply to  
15 the children of:

16

17           (i) Inactive members of the national guard and  
18 military reserves;

19

20           (ii) Members of the uniformed services now  
21 retired, except as provided in subsection (a) of this  
22 section;

23

1           (iii) Veterans of the uniformed services, except  
2 as provided in subsection (a) of this section; and

3

4           (iv) Other United States department of defense  
5 personnel and other federal agency civilian and contract  
6 employees not defined as active duty members of the  
7 uniformed services.

8

9           **21-24-104. Educational records and enrollment.**

10

11           (a) In the event that official education records  
12 cannot be released to the parents for the purpose of  
13 transfer, the custodian of the records in the sending state  
14 shall prepare and furnish to the parent a complete set of  
15 unofficial educational records containing uniform  
16 information as determined by the interstate commission to  
17 the extent feasible. Upon receipt of the unofficial  
18 education records by a school in the receiving state, the  
19 school shall enroll and appropriately place the student  
20 based on the information provided in the unofficial records  
21 pending validation by the official records, as quickly as  
22 possible.

23

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

10

11           (c) Compacting states shall give thirty (30) days from  
12 the date of entry, for students to obtain and provide proof  
13 of any immunization required by the receiving state. For a  
14 series of immunizations, initial vaccinations shall be  
15 obtained within thirty (30) days or the child shall be  
16 permitted to attend school while receiving continuing  
17 immunization if the school administrator receives  
18 notification or a waiver is granted in accordance with W.S.  
19 21-4-309.

20

21           (d) Students shall be allowed to continue their  
22 enrollment at grade level in the receiving state  
23 commensurate with their grade level, including  
24 kindergarten, from a local education agency in the sending

1 state at the time of transition with the exception of  
2 children that have not yet met the age requirements as  
3 required by W.S. 21-4-301 and 21-4-302. A student that has  
4 satisfactorily completed the prerequisite grade level in  
5 the local education agency in the sending state shall be  
6 eligible for enrollment in the next highest grade level in  
7 the receiving state. A student transferring after the  
8 start of the school year in the receiving state shall enter  
9 the school in the receiving state on their validated level  
10 from an accredited school in the sending state except where  
11 the child has not yet obtained the age as required by W.S.  
12 21-4-301 and 21-4-302 for kindergarten and first grade.

13

14 **21-24-105. Placement and attendance.**

15

16 (a) When the student transfers before or during the  
17 school year, the receiving state school shall initially  
18 honor placement of the student in educational courses based  
19 on the student's enrollment in the sending state school and  
20 educational assessments conducted at the school in the  
21 sending state if the courses are offered and there is space  
22 available, as determined by the school district. Course  
23 placement includes but is not limited to honors,  
24 international baccalaureate, advanced placement,

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

9

10 (b) The receiving state school shall initially honor  
11 placement of the student in educational programs based on  
12 current educational assessments conducted at the school in  
13 the sending state or participation-placement in like  
14 programs in the sending state, provided that the program  
15 exists in the school and there is space available, as  
16 determined by the school district. Such programs include,  
17 but are not limited to gifted and talented programs and  
18 English as a second language (ESL). This subsection does  
19 not preclude the school in the receiving state from  
20 performing subsequent evaluations to ensure appropriate  
21 placement of the student.

22

23 (c) In compliance with the federal requirements of the  
24 Individuals with Disabilities Education Act (IDEA), 20

1 U.S.C.A. section 1400 et seq., the receiving state shall  
2 initially provide comparable services to a student with  
3 disabilities based on his current individualized education  
4 program (IEP). In compliance with the requirements of  
5 section 504 of the Rehabilitation Act, 29 U.S.C.A. section  
6 794, and with Title II of the Americans with Disabilities  
7 Act, 42 U.S.C.A. sections 12131-12165, the receiving state  
8 shall make reasonable accommodations and modifications to  
9 address the needs of incoming students with disabilities,  
10 subject to an existing 504 or Title II Plan, to provide the  
11 student with equal access to education. This subsection  
12 does not preclude the school in the receiving state from  
13 performing subsequent evaluations to ensure appropriate  
14 placement of the student.

15

16 (d) Local education agency administrative officials  
17 shall have flexibility in waiving course-program  
18 prerequisites or other preconditions for placement in  
19 courses-programs offered under the jurisdiction of the  
20 local education agency.

21

22 (e) A student whose parent or legal guardian is an  
23 active duty member of the uniformed services, as defined by  
24 the compact and has been called to duty for, is on leave

1 from or immediately returned from deployment to a combat  
2 zone or combat support posting, shall be granted additional  
3 excused absences at the discretion of the local education  
4 agency superintendent to visit with his parent or legal  
5 guardian relative to such leave or deployment of the parent  
6 or guardian.

7

8 **21-24-106. Eligibility.**

9

10 (a) Eligibility for enrollment shall be as follows:

11

12 (i) Special power of attorney, relative to the  
13 guardianship of a child of a military family and executed  
14 under applicable law shall be sufficient for the purposes  
15 of enrollment and all other actions requiring parental  
16 participation and consent;

17

18 (ii) A local education agency shall be prohibited  
19 from charging local tuition to a transitioning military  
20 child placed in the care of a noncustodial parent or other  
21 person standing in loco parentis who lives in a  
22 jurisdiction other than that of the custodial parent;

23

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

7

8           (b) State and local education agencies shall  
9 facilitate the opportunity for transitioning military  
10 children's inclusion in extracurricular activities,  
11 regardless of application deadlines, to the extent they are  
12 otherwise qualified.

13

14           **21-24-107. Graduation.**

15

16           (a) In order to facilitate the on-time graduation of  
17 children of military families, states and local education  
18 agencies shall adhere to W.S. 21-2-304(a)(iii) and  
19 paragraph (iv) of this subsection and any applicable rules  
20 and regulations promulgated thereunder and to the extent  
21 possible incorporate the following procedures:

22

23           (i) Local education agency administrative  
24 officials shall use best efforts to waive specific courses



1 required for graduation if similar course work has been  
2 satisfactorily completed in another local education agency  
3 or shall provide reasonable justification for denial.  
4 Should a waiver not be granted to a student who would  
5 qualify to graduate from the sending school, the local  
6 education agency shall use best efforts to provide an  
7 alternative means of acquiring required coursework so that  
8 graduation may occur on time;

9

10 (ii) States shall accept:

11

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

14

15 (B) National norm-referenced achievement  
16 tests; or

17

18 (C) Alternative testing, in lieu of testing  
19 requirements for graduation in the receiving state. In the  
20 event the above alternatives cannot be accommodated by the  
21 receiving state for a student transferring in his senior  
22 year, then the provisions of W.S. 21-24-107(a)(iii) shall  
23 apply.

24

1           (iii) Should a military student transferring at  
2 the beginning or during his senior year be ineligible to  
3 graduate from the receiving local education agency after  
4 all alternatives have been considered, the sending and  
5 receiving local education agencies shall to the extent  
6 possible ensure the receipt of a diploma from the sending  
7 local education agency, if the student meets the graduation  
8 requirements of the sending local education agency. In the  
9 event that one (1) of the states in question is not a  
10 member of this compact, the member state shall use best  
11 efforts to facilitate the on-time graduation of the student  
12 in accordance with paragraphs (a)(i) and (ii) of this  
13 subsection.

14

15           **21-24-108. State coordination.**

16

17           (a) Each member state shall, through the creation of a  
18 state council or use of an existing body or board, provide  
19 for the coordination among its agencies of government,  
20 local education agencies and military installations  
21 concerning the state's participation in, and compliance  
22 with, this compact and interstate commission activities.  
23 While each member state may determine the membership of its  
24 own state council, its membership must include at least:

1 the state superintendent of education, superintendent of a  
2 school district with a high concentration of military  
3 children, a representative from a military installation,  
4 one (1) representative each from the legislative and  
5 executive branches of government and other offices and  
6 stakeholder groups the state council deems appropriate. A  
7 member state that does not have a school district deemed to  
8 contain a high concentration of military children may  
9 appoint a superintendent from another school district to  
10 represent local education agencies on the state council.

11

12 (b) The state council of each member state shall  
13 appoint or designate a military family education liaison to  
14 assist military families and the state in facilitating the  
15 implementation of this compact.

16

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

21

22 (d) The compact commissioner and the military family  
23 education liaison designated herein shall be ex-officio

1 members of the state council, unless either is already a  
2 full voting member of the state council.

3

4 **21-24-109. Interstate commission on educational**  
5 **opportunity for military children.**

6

7 (a) The member states hereby create the "Interstate  
8 Commission on Educational Opportunity for Military  
9 Children." The activities of the interstate commission are  
10 the formation of public policy and are a discretionary  
11 state function.

12

13 (b) The interstate commission shall:

14

15 (i) Be a body corporate and joint agency of the  
16 member states and shall have all the responsibilities,  
17 powers and duties set forth herein, and such additional  
18 powers as may be conferred upon it by a subsequent  
19 concurrent action of the respective legislatures of the  
20 member states in accordance with the terms of this compact;

21

22 (ii) Consist of one (1) interstate commission  
23 voting representative from each member state who shall be  
24 that state's compact commissioner subject to the following:

1

2 (A) Each member state represented at a  
3 meeting of the interstate commission is entitled to one (1)  
4 vote;

5

6 (B) A majority of the total member states  
7 shall constitute a quorum for the transaction of business,  
8 unless a larger quorum is required by the bylaws of the  
9 interstate commission;

10

11 (C) A representative shall not delegate a  
12 vote to another member state. In the event the compact  
13 commissioner is unable to attend a meeting of the  
14 interstate commission, the governor or state council may  
15 delegate voting authority to another person from their  
16 state for a specified meeting;

17

18 (D) The bylaws may provide for meetings of  
19 the interstate commission to be conducted by  
20 telecommunication or electronic communication.

21

22 (iii) Consist of ex-officio, nonvoting  
23 representatives who are members of interested  
24 organizations. Such ex-officio members, as defined in the

1 bylaws, may include but not be limited to, members of the  
2 representative organizations of military family advocates,  
3 local education agency officials, parent and teacher  
4 groups, the United States department of defense, the  
5 education commission of the states, the interstate  
6 agreement on the qualification of educational personnel and  
7 other interstate compacts affecting the education of  
8 children of military members;

9

10 (iv) Meet at least once each calendar year. The  
11 chairperson may call additional meetings and, upon the  
12 request of a simple majority of the member states, shall  
13 call additional meetings;

14

15 (v) Establish an executive committee whose  
16 members shall include the officers of the interstate  
17 commission and such other members of the interstate  
18 commission as determined by the bylaws. Members of the  
19 executive committee shall serve a one (1) year term.  
20 Members of the executive committee shall be entitled to one  
21 (1) vote each. The executive committee shall have the  
22 power to act on behalf of the interstate commission, with  
23 the exception of rulemaking, during periods when the  
24 interstate commission is not in session. The executive

1 committee shall oversee the day-to-day activities of the  
2 administration of the compact including enforcement and  
3 compliance with the provisions of the compact, its bylaws  
4 and rules and other such duties as deemed necessary. The  
5 United States department of defense shall serve as an ex-  
6 officio, nonvoting member of the executive committee;

7

8 (vi) Establish bylaws and rules that provide for  
9 conditions and procedures under which the interstate  
10 commission shall make its information and official records  
11 available to the public for inspection or copying. The  
12 interstate commission may exempt from disclosure  
13 information or official records to the extent they would  
14 adversely affect personal privacy rights or proprietary  
15 interests;

16

17 (vii) Give public notice of all meetings and all  
18 meetings shall be open to the public, except as set forth  
19 in the rules or as otherwise provided in the compact. The  
20 interstate commission and its committees may close a  
21 meeting, or portion thereof, where it determines by two-  
22 thirds (2/3) vote that an open meeting would be likely to:

23

1                   (A) Relate solely to the interstate  
2 commission's internal personnel practices and procedures;

3

4                   (B) Disclose matters specifically exempted  
5 from disclosure by federal and state statute;

6

7                   (C) Disclose trade secrets or commercial or  
8 financial information which is privileged or confidential;

9

10                   (D) Involve accusing a person of a crime, or  
11 formally censuring a person;

12

13                   (E) Disclose information of a personal  
14 nature where disclosure would constitute a clearly  
15 unwarranted invasion of personal privacy;

16

17                   (F) Disclose investigative records compiled  
18 for law enforcement purposes; or

19

20                   (G) Specifically relate to the interstate  
21 commission's participation in a civil action or other legal  
22 proceeding.

23



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

15

16           (ix) Shall collect standardized data concerning  
17 the educational transition of the children of military  
18 families under this compact as directed through its rules  
19 which shall specify the data to be collected, the means of  
20 collection and data exchange and reporting requirements.  
21 Such methods of data collection, exchange and reporting  
22 shall, in so far as is reasonably possible, conform to  
23 current technology and coordinate its information functions

1 with the appropriate custodian of records as identified in  
2 the bylaws and rules;

3

4 (x) Shall create a process that permits military  
5 officials, education officials and parents to inform the  
6 interstate commission if and when there are alleged  
7 violations of the compact or its rules or when issues  
8 subject to the jurisdiction of the compact or its rules are  
9 not addressed by the state or local education agency. This  
10 section shall not be construed to create a private right of  
11 action against the interstate commission or any member  
12 state.

13

14 **21-24-110. Powers and duties of the interstate**  
15 **commission.**

16

17 (a) The interstate commission shall have the following  
18 powers:

19

20 (i) To provide for dispute resolution among  
21 member states;

22

1           (ii) To promulgate rules and take all necessary  
2 actions to effect the goals, purposes and obligations as  
3 enumerated in this compact;

4  
5           (iii) To issue, upon request of a member state,  
6 advisory opinions concerning the meaning or interpretation  
7 of the interstate compact, its bylaws, rules and actions;

8  
9           (iv) To enforce compliance with the compact  
10 provisions, the rules promulgated by the interstate  
11 commission, and the bylaws, using all necessary and proper  
12 means, including but not limited to the use of judicial  
13 process;

14  
15           (v) To establish and maintain offices which shall  
16 be located within one (1) or more of the member states;

17  
18           (vi) To purchase and maintain insurance and  
19 bonds;

20  
21           (vii) To borrow, accept, hire or contract for  
22 services of personnel;

23

1           (viii) To establish and appoint committees  
2 including, but not limited to, an executive committee as  
3 required by W.S. 21-24-111, which shall have the power to  
4 act on behalf of the interstate commission in carrying out  
5 its powers and duties hereunder;

6  
7           (ix) To elect or appoint such officers,  
8 attorneys, employees, agents or consultants and to fix  
9 their compensation, define their duties and determine their  
10 qualifications and to establish the interstate commission's  
11 personnel policies and programs relating to conflicts of  
12 interest, rates of compensation and qualifications of  
13 personnel;

14  
15           (x) To accept any and all donations and grants of  
16 money, equipment, supplies, materials and services, and to  
17 receive, utilize and dispose of it;

18  
19           (xi) To lease, purchase, accept contributions or  
20 donations of, or otherwise to own, hold, improve or use any  
21 property, real, personal or mixed;

22

1           (xii) To sell, convey, mortgage, pledge, lease,  
2 exchange, abandon or otherwise dispose of any property,  
3 real, personal or mixed;

4

5           (xiii) To establish a budget and make  
6 expenditures;

7

8           (xiv) To adopt a seal and bylaws governing the  
9 management and operation of the interstate commission;

10

11           (xv) To report annually to the legislatures,  
12 governors, judiciary and state councils of the member  
13 states concerning the activities of the interstate  
14 commission during the preceding year. Such reports shall  
15 also include any recommendations that may have been adopted  
16 by the interstate commission;

17

18           (xvi) To coordinate education, training and  
19 public awareness regarding the compact, its implementation  
20 and operation for officials and parents involved in such  
21 activity;

22

23           (xvii) To establish uniform standards for the  
24 reporting, collecting and exchanging of data;

1

2 (xviii) To maintain corporate books and records  
3 in accordance with the bylaws;

4

5 (xix) To perform such functions as may be  
6 necessary or appropriate to achieve the purposes of this  
7 compact;

8

9 (xx) To provide for the uniform collection and  
10 sharing of information between and among member states,  
11 schools and military families under this compact.

12

13 **21-24-111. Organization and operation of the**  
14 **interstate commission.**

15

16 (a) The interstate commission shall, by a majority of  
17 the members present and voting, within twelve (12) months  
18 after the first interstate commission meeting, adopt bylaws  
19 to govern its conduct as may be necessary or appropriate to  
20 carry out the purposes of the compact, including, but not  
21 limited to:

22

23 (i) Establishing the fiscal year of the  
24 interstate commission;

1

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

4

5 (iii) Providing for the establishment of  
6 committees and for governing any general or specific  
7 delegation of authority or function of the interstate  
8 commission;

9

10 (iv) Providing reasonable procedures for calling  
11 and conducting meetings of the interstate commission, and  
12 ensuring reasonable notice of each such meeting;

13

14 (v) Establishing the titles and responsibilities  
15 of the officers and staff of the interstate commission;

16

17 (vi) Providing a mechanism for concluding the  
18 operations of the interstate commission and the return of  
19 surplus funds that may exist upon the termination of the  
20 compact after the payment and reserving of all of its debts  
21 and obligations;

22

23 (vii) Providing "start up" rules for initial  
24 administration of the compact.

1

2           (b) The interstate commission shall, by a majority of  
3 the members, elect annually from among its members a  
4 chairperson, a vice-chairperson and a treasurer, each of  
5 whom shall have such authority and duties as may be  
6 specified in the bylaws. The chairperson or, in the  
7 chairperson's absence or disability, the vice-chairperson,  
8 shall preside at all meetings of the interstate commission.  
9 The officers so elected shall serve without compensation or  
10 remuneration from the interstate commission, provided that,  
11 subject to the availability of budgeted funds, the officers  
12 shall be reimbursed for ordinary and necessary costs and  
13 expenses incurred by them in the performance of their  
14 responsibilities as officers of the interstate commission.

15

16           (c) Executive committee, officers and personnel:

17

18           (i) The executive committee shall have such  
19 authority and duties as may be set forth in the bylaws,  
20 including but not limited to:

21

22                   (A) Managing the affairs of the interstate  
23 commission in a manner consistent with the bylaws and  
24 purposes of the interstate commission;



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(B) Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures and administrative and technical support functions; and

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

(ii) The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

(d) The interstate commission's executive director and its employees shall be immune from suit and liability,

1 either personally or in their official capacity, for a  
2 claim for damage to or loss of property or personal injury  
3 or other civil liability caused or arising out of or  
4 relating to an actual or alleged act, error or omission  
5 that occurred, or that such person had a reasonable basis  
6 for believing occurred, within the scope of interstate  
7 commission employment, duties or responsibilities,  
8 provided, that such person shall not be protected from suit  
9 or liability for damage, loss, injury or liability caused  
10 by the intentional or willful and wanton misconduct of such  
11 person:

12

13 (i) The liability of the interstate commission's  
14 executive director and employees or interstate commission  
15 representatives, acting within the scope of such person's  
16 employment or duties for acts, errors or omissions  
17 occurring within such person's state may not exceed the  
18 limits of liability set forth under the constitution and  
19 laws of that state for state officials, employees and  
20 agents. The interstate commission is considered to be an  
21 instrumentality of the states for the purposes of any such  
22 action. Nothing in this subsection shall be construed to  
23 protect such person from suit or liability for damage,

1 loss, injury or liability caused by the intentional or  
2 willful and wanton misconduct of such person;

3

4 (ii) The interstate commission shall defend the  
5 executive director and its employees and, subject to the  
6 approval of the attorney general or other appropriate legal  
7 counsel of the member state represented by an interstate  
8 commission representative, shall defend such interstate  
9 commission representative in any civil action seeking to  
10 impose liability arising out of an actual or alleged act,  
11 error or omission that occurred within the scope of  
12 interstate commission employment, duties or  
13 responsibilities, or that the defendant had a reasonable  
14 basis for believing occurred within the scope of interstate  
15 commission employment, duties or responsibilities, provided  
16 that the actual or alleged act, error or omission did not  
17 result from intentional or willful and wanton misconduct on  
18 the part of such person;

19

20 (iii) To the extent not covered by the state  
21 involved, member state or the interstate commission, the  
22 representatives or employees of the interstate commission  
23 shall be held harmless in the amount of a settlement or  
24 judgment, including attorney's fees and costs, obtained

1 against such persons arising out of an actual or alleged  
2 act, error or omission that occurred within the scope of  
3 interstate commission employment, duties or  
4 responsibilities, or that such persons had a reasonable  
5 basis for believing occurred within the scope of interstate  
6 commission employment, duties or responsibilities, provided  
7 that the actual or alleged act, error or omission did not  
8 result from intentional or willful and wanton misconduct on  
9 the part of such persons.

10

11 **21-24-112. Rulemaking functions of the interstate**  
12 **commission.**

13

14 (a) The interstate commission shall promulgate  
15 reasonable rules in order to effectively and efficiently  
16 achieve the purposes of this compact. Notwithstanding the  
17 foregoing, in the event the interstate commission exercises  
18 its rulemaking authority in a manner that is beyond the  
19 scope of the purposes of this act or the powers granted  
20 hereunder, then such an action by the interstate commission  
21 shall be invalid and have no force or effect.

22

23 (b) Rules shall be made pursuant to a rulemaking  
24 process that substantially conforms to the "Model State

1 Administrative Procedure Act," of 1981 Act, Uniform Laws  
2 Annotated, Vol. 15, p.1 (2000) as amended, as may be  
3 appropriate to the operations of the interstate commission.  
4

5 (c) Not later than thirty (30) days after a rule is  
6 promulgated, any person may file a petition for judicial  
7 review of the rule, provided that the filing of such a  
8 petition shall not stay or otherwise prevent the rule from  
9 becoming effective unless the court finds that the  
10 petitioner has a substantial likelihood of success. The  
11 court shall give deference to the actions of the interstate  
12 commission consistent with applicable law and shall not  
13 find the rule to be unlawful if the rule represents a  
14 reasonable exercise of the interstate commission's  
15 authority.

16

17 **21-24-113. Oversight, enforcement and dispute**  
18 **resolution.**

19

20 (a) Oversight:

21

22 (i) The executive, legislative and judicial  
23 branches of state governments in each member state shall  
24 enforce this compact and shall take all actions necessary

1 and appropriate to effectuate the compact's purposes and  
2 intent. The provisions of this compact shall have standing  
3 as statutory law;

4

5 (ii) All courts shall take judicial notice of the  
6 compact and the rules in any judicial or administrative  
7 proceeding in a member state pertaining to the subject  
8 matter of this compact which may affect the powers,  
9 responsibilities or actions of the interstate commission;

10

11 (iii) The interstate commission shall be entitled  
12 to receive all service of process in any such proceeding,  
13 and shall have standing to intervene in the proceeding for  
14 all purposes. Failure to provide service of process to the  
15 interstate commission shall render a judgment or order void  
16 as to the interstate commission, this compact or  
17 promulgated rules.

18

19 (b) If the interstate commission determines that a  
20 member state has defaulted in the performance of its  
21 obligations or responsibilities under this compact, or the  
22 bylaws or promulgated rules, the interstate commission  
23 shall:

24

1           (i) Provide written notice to the defaulting  
2 state and other member states, of the nature of the  
3 default, the means of curing the default and any action  
4 taken by the interstate commission. The interstate  
5 commission shall specify the conditions by which the  
6 defaulting state must cure its default;

7

8           (ii) Provide remedial training and specific  
9 technical assistance regarding the default;

10

11           (iii) If the defaulting state fails to cure the  
12 default, the defaulting state shall be terminated from the  
13 compact upon an affirmative vote of a majority of the  
14 member states and all rights, privileges and benefits  
15 conferred by this compact shall be terminated from the  
16 effective date of termination. A cure of the default does  
17 not relieve the offending state of obligations or  
18 liabilities incurred during the period of the default;

19

20           (iv) Suspension or termination of membership in  
21 the compact shall be imposed only after all other means of  
22 securing compliance have been exhausted. Notice of intent  
23 to suspend or terminate shall be given by the interstate  
24 commission to the governor, the majority and minority

1 leaders of the defaulting state's legislature, and each of  
2 the member states;

3

4 (v) The state which has been suspended or  
5 terminated is responsible for all assessments, obligations  
6 and liabilities incurred through the effective date of  
7 suspension or termination including obligations, the  
8 performance of which extends beyond the effective date of  
9 suspension or termination;

10

11 (vi) The interstate commission shall not bear any  
12 costs relating to any state that has been found to be in  
13 default or which has been suspended or terminated from the  
14 compact, unless otherwise mutually agreed upon in writing  
15 between the interstate commission and the defaulting state;

16

17 (vii) The defaulting state may appeal the action  
18 of the interstate commission by petitioning the United  
19 States district court for the District of Columbia or the  
20 federal district where the interstate commission has its  
21 principal offices. The prevailing party shall be awarded  
22 all costs of such litigation including reasonable  
23 attorney's fees.

24



1 (c) Dispute resolution:

2

3 (i) The interstate commission shall attempt, upon  
4 the request of a member state, to resolve disputes which  
5 are subject to the compact and which may arise among member  
6 states and between member and nonmember states;

7

8 (ii) The interstate commission shall promulgate a  
9 rule providing for both mediation and binding dispute  
10 resolution for disputes as appropriate.

11

12 (d) Enforcement:

13

14 (i) The interstate commission, in the reasonable  
15 exercise of its discretion, shall enforce the provisions  
16 and rules of this compact;

17

18 (ii) The interstate commission, may by majority  
19 vote of the members, initiate legal action in the United  
20 States district court for the District of Columbia or, at  
21 the discretion of the interstate commission, in the federal  
22 district where the interstate commission has its principal  
23 offices, to enforce compliance with the provisions of the  
24 compact, its promulgated rules and bylaws, against a member

1 state in default. The relief sought may include both  
2 injunctive relief and damages. In the event judicial  
3 enforcement is necessary the prevailing party shall be  
4 awarded all costs of such litigation including reasonable  
5 attorney's fees;

6

7 (iii) The remedies herein shall not be the  
8 exclusive remedies of the interstate commission. The  
9 interstate commission may avail itself of any other  
10 remedies available under state law or the regulation of a  
11 profession.

12

13 **21-24-114. Financing of the interstate commission.**

14

15 (a) The interstate commission shall pay or provide for  
16 the payment of the reasonable expenses of its  
17 establishment, organization and ongoing activities.

18

19 (b) In accordance with the funding limit established  
20 in subsection (e) of this section, the interstate  
21 commission may levy on and collect an annual assessment  
22 from each member state to cover the cost of the operations  
23 and activities of the interstate commission and its staff  
24 which must be in a total amount sufficient to cover the

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

6

7 (c) The interstate commission shall not incur  
8 obligations of any kind prior to securing the funds  
9 adequate to meet the same; nor shall the interstate  
10 commission pledge the credit of any of the member states,  
11 except by and with the authority of the member state.

12

13 (d) The interstate commission shall keep accurate  
14 accounts of all receipts and disbursements. The receipts  
15 and disbursements of the interstate commission shall be  
16 subject to the audit and accounting procedures established  
17 under its bylaws. However, all receipts and disbursements  
18 of funds handled by the interstate commission shall be  
19 audited yearly by a certified or licensed public accountant  
20 and the report of the audit shall be included in and become  
21 part of the annual report of the interstate commission.

22

23 (e) The interstate commission may not assess, levy or  
24 collect more than five thousand dollars (\$5,000.00) per

1 year from Wyoming legislation appropriations. Other  
2 funding sources may be accepted and used to offset expenses  
3 related to the state's participation in the compact.

4

5 **21-24-115. Member states; effective date; amendment.**

6

7 (a) Any state is eligible to become a member state.

8

9 (b) The compact shall become effective and binding  
10 upon legislative enactment of the compact into law by no  
11 less than ten (10) of the states. The effective date shall  
12 be no earlier than December 1, 2007. Thereafter it shall  
13 become effective and binding as to any other member state  
14 upon enactment of the compact into law by that state. The  
15 governors of nonmember states or their designees shall be  
16 invited to participate in the activities of the interstate  
17 commission on a nonvoting basis prior to adoption of the  
18 compact by all states.

19

20 (c) The interstate commission may propose amendments  
21 to the compact for enactment by the member states. No  
22 amendment shall become effective and binding upon the  
23 interstate commission and the member states unless and

1 until it is enacted into law by unanimous consent of the  
2 member states.

3

4 **21-24-116. Withdrawal and dissolution.**

5

6 (a) Withdrawal:

7

8 (i) Once effective, the compact shall continue in  
9 force and remain binding upon each and every member state  
10 provided that a member state may withdraw from the compact  
11 by specifically repealing the statute, which enacted the  
12 compact into law;

13

14 (ii) Withdrawal from this compact shall be by the  
15 enactment of a statute repealing the same;

16

17 (iii) The withdrawing state shall immediately  
18 notify the chairperson of the interstate commission in  
19 writing upon the introduction of legislation repealing this  
20 compact in the withdrawing state. The interstate  
21 commission shall notify the other member states of the  
22 withdrawing state's intent to withdraw within sixty (60)  
23 days of its receipt thereof;

24

1           (iv) The withdrawing state is responsible for all  
2 assessments, obligations and liabilities incurred through  
3 the effective date of withdrawal;

4  
5           (v) Reinstatement following withdrawal of a  
6 member state shall occur upon the withdrawing state  
7 reenacting the compact or upon such later date as  
8 determined by the interstate commission.

9  
10          (b) Dissolution of compact:

11  
12           (i) This compact shall dissolve effective upon  
13 the date of the withdrawal or default of the member state  
14 which reduces the membership in the compact to one (1)  
15 member state;

16  
17           (ii) Upon the dissolution of this compact, the  
18 compact becomes null and void and shall be of no further  
19 force or effect, and the business and affairs of the  
20 interstate commission shall be concluded and surplus funds  
21 shall be distributed in accordance with the bylaws.

22

23          **21-24-117. Severability and construction.**

24

1           (a) The provisions of this compact shall be severable  
2 and if any phrase, clause, sentence or provision is deemed  
3 unenforceable, the remaining provisions of the compact  
4 shall be enforceable.

5

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

8

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

12

13           **21-24-118. Binding effect of compact and other laws.**

14

15           (a) Nothing herein prevents the enforcement of any  
16 other law of a member state.

17

18           (b) Binding effect of the compact:

19

20           (i) All lawful actions of the interstate  
21 commission, including all rules and bylaws promulgated by  
22 the interstate commission, are binding upon the member  
23 states;

24

1           (ii) All agreements between the interstate  
2 commission and the member states are binding in accordance  
3 with their terms;

4  
5           (iii) In the event any provision of this compact  
6 exceeds the constitutional limits imposed on the  
7 legislature of any member state, such provision shall be  
8 ineffective to the extent of the conflict with the  
9 constitutional provision in question in that member state.

10  
11          (c) Notwithstanding W.S. 21-24-110(a)(iv),  
12 21-24-111(d), 21-24-113 and 21-24-116(a)(iv) and any other  
13 provision of this compact, the state of Wyoming does not  
14 waive sovereign immunity by entering into this compact and  
15 specifically retains all immunities and defenses available  
16 to it as a sovereign pursuant to W.S. 1-39-104(a) and all  
17 other applicable law. Designations of venue, choice of  
18 law, enforcement actions and similar provisions should not  
19 be construed as a waiver of sovereign immunity.

20  
21          (d) Notwithstanding W.S. 21-24-114(b) and (e), or any  
22 other provision of this compact, the terms of this compact  
23 shall not require appropriation by future legislatures in



1 violation of Article 16, Section 2 of the Wyoming  
2 Constitution.

3

4 **Section 2.** This act is effective July 1, 2012.

5

6

(END)