

AN ACT

To establish the Interstate Compact on Educational Opportunity for Military Children to allow for uniform treatment of military children transferring between school districts and states.

Bill 19-328
Act 19-671
effective
February 11,
2013

Codification
District of
Columbia
Official Code
2001 Edition

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Interstate Compact on Educational Opportunity for Military Children Establishment Act of 2012”.

Interstate
Compact on
Educational
Opportunity
for Military
Children
Establishment
Act of 2012

Sec. 2. The District of Columbia adopts the Interstate Compact on Educational Opportunity for Military Children.

New Subtitle
III,
Chapter 11,
Title 49
New
§ 49-1101.01

Sec. 3. Purpose and policy.

It is the purpose of the Interstate Compact on Educational Opportunity for Military Children to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

New
§ 49-1101.02

(1) Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of educational records from the previous school district or variations in entrance or age requirements;

(2) Facilitating the student-placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;

(3) Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

(4) Facilitating the on-time graduation of children of military families;

(5) Providing for the promulgation and enforcement of administrative rules implementing the provisions of the Interstate Compact on Educational Opportunity for Military Children;

(6) Providing for the uniform collection and sharing of information between and among member states, schools, and military families;

(7) Promoting coordination between the Interstate Compact on Educational Opportunity for Military Children and other compacts affecting military children; and

(8) Promoting flexibility and cooperation between the educational system, parents, and students to achieve educational success for the students.

Sec. 4. Definitions.

New
§ 49-1101.03

For the purposes of this act, unless the context clearly requires a different construction, the term:

(1) “Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§1209 and 1211.

(2) “Children of military families” means school-aged children, enrolled in Kindergarten through 12th grade in the household of an active duty member.

(3) “Compact” means the Interstate Compact on Educational Opportunity for Military Children.

(4) “Compact commissioner” means the voting representative of each compacting state appointed pursuant to section 10.

(5) “Deployment” means the period one month before a service member’s departure from the home station on military orders through 6 months after return to the home station.

(6) “Educational records” means those official records, files, and data directly related to a student and maintained by the school or local education agency, including records encompassing all the material kept in the student’s cumulative folder such as general identifying data, records of attendance, records of academic work completed, records of achievement, and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

(7) “Extracurricular activities” means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

(8) “Interstate Commission on Educational Opportunity for Military Children” means the commission that is created in section 10, generally referred to as the Interstate Commission.

(9) “Local education agency” means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through 12th grade public educational institutions.

(10) “Member state” means a state that has enacted this compact.

(11) “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility that is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. Territory. The term does not include any facility used primarily for civil works, river and harbor projects, or flood-control projects.

(12) “Non-member state” means a state that has not enacted this compact.

(13) “Receiving state” means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

(14) “Rule” means a written statement by the Interstate Commission promulgated pursuant to section 13 that is of general applicability and implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(15) “Sending state” means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

(16) “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. Territory.

(17) “State Council” means the District of Columbia Educational Opportunity for Military Children State Council established in section 21.

(18) “Student” means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in a grade from kindergarten through 12th grade.

(19) “Transition” means:

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

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

(20) “Uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

(21) “Veteran” means a person who served in the uniformed services and who was discharged or released under conditions other than dishonorable.

Sec. 5. Applicability.

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

(1) Active duty members of the uniformed services;

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

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

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

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

- (1) Inactive members of the National Guard and military reserves;
- (2) Members of the uniformed services now retired, except as provided in subsection (a) of this section;
- (3) Veterans of the uniformed services, except as provided in subsection (a) of this section; or
- (4) Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Sec. 6. Educational records and enrollment.

New
§ 49-1101.05

(a) If official educational records cannot be released to the parents of a student for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial educational records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records, pending validation by the official records, as quickly as possible.

(b) Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official educational record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official educational record to the school in the receiving state within 10 days or within such time as is reasonably established under the rules promulgated by the Interstate Commission.

(c) Compacting states shall give students 30 days from the date of enrollment, or such time as is reasonably established under the rules promulgated by the Interstate Commission, to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days, or within such time as is reasonably established under the rules promulgated by the Interstate Commission.

(d) Students shall be allowed to continue their enrollment at the grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on his or her validated level from an accredited school in the sending state.

Sec. 7. Placement and attendance.

New
§ 49-1101.06

(a)(1) When a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes Honors, International

Baccalaureate, Advanced Placement, vocational, and technical and career-pathways courses.

(2) Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in a course.

(b) The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs include gifted and talented programs and English-as-a-second-language programs. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(c)(1) In compliance with the federal requirements of the Individuals with Disabilities Education Improvement Act, approved December 3, 2004 (118 Stat. 2647; 20 U.S.C. §1400 *et seq.*), the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program; and

(2) In compliance with the requirements of section 504 of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 394; 29 U.S.C. § 794), and with Title II of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. §§ 12131-12165), the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This requirement does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

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

(e) A student whose parent, or legal guardian, is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat-support posting shall be granted additional excused absences at the discretion of the local education agency to visit with his or her parent or legal guardian based on the leave or deployment of the parent or guardian.

Sec. 8. Eligibility for enrollment.

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

(b) A local education agency shall be prohibited from charging local tuition to a transitioning student placed in the care of a non-custodial parent or other person standing in *loco parentis* who lives in a jurisdiction other than that of the custodial parent.

(c) A transitioning student placed in the care of a noncustodial parent or other person

standing in *loco parentis* who lives in a jurisdiction other than that of the custodial parent may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

(d) State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified to be included.

Sec. 9. Graduation.

New
§ 49-1101.08

(a) To facilitate the on-time graduation of children of military families, states and local education agencies shall adopt the following procedures:

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

(2) States shall accept:

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

(B) National norm referenced achievement tests; or

(C) Alternative testing, in lieu of testing requirements for graduation in the receiving state. If the above-referenced alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of subsection (b) of this section shall apply.

(b) Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. If one of the states in question is not a member of this compact, the member state shall use its best efforts to facilitate the on-time graduation of the student in accordance with subsection (a) of this section.

Sec. 10. Interstate Commission on Educational Opportunity for Military Children.

New
§ 49-1101.09

(a) The member states hereby create the Interstate Commission on Educational Opportunity for Military Children. The activities of the Interstate Commission are the formation of public policy and are a discretionary state function.

(b) The Interstate Commission shall:

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

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

(3) Consist of ex-officio, non-voting representatives who are members of interested organizations, which, as defined in the bylaws, may include members of:

- (A) The representative organizations of military family advocates;
- (B) Local education agency officials;
- (C) Parent and teacher groups;
- (D) The U.S. Department of Defense;
- (E) The Education Commission of the States;
- (F) The Interstate Agreement on Qualification of Educational Personnel;

and

(G) Other interstate compacts affecting the education of children of military members;

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

(5) Establish an executive committee, which shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session and whose members shall:

(A) Include the officers of the Interstate Commission, and such other members of the Interstate Commission as determined by the bylaws, and a delegate of the U.S. Department of Defense, who shall serve as an ex-officio, nonvoting member;

(B) Serve a one-year term and be entitled to one vote each; and

(C) Oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as considered necessary;

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

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

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

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

(C) Disclose trade secrets or commercial or financial information that is privileged or confidential;

(D) Involve accusing a person of a crime or formally censuring a person;
(E) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
(F) Disclose investigative records compiled for law enforcement purposes;
or

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

(8) Cause its legal counsel, or designee, to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, that is closed pursuant to this provision;

(9) Keep minutes that shall fully and clearly describe all matters discussed in the meeting and shall provide a full and accurate summary of actions taken, and the reasons for those actions, including a description of the views expressed, the record of a roll-call vote, and the identification of all documents considered in connection with an action; provided, that all minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission;

(10) Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules, which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements; provided, that the methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and be in coordination its information functions with the appropriate custodian of records as identified in the bylaws and rules; and

(11) Create a process that permits military officials, education officials, and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency.

(c)(1) Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

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

(3) A representative shall not delegate a vote to another member state. If the compact commissioner is unable to attend a meeting of the Interstate Commission, the Mayor or the Council of the District of Columbia may delegate voting authority to another person from the District of Columbia for a specified meeting.

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

(d) This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

Sec. 11. Powers and duties of the Interstate Commission.

The Interstate Commission shall have the power to:

- (1) Provide for dispute resolution among member states;
- (2) Promulgate rules and take all necessary actions to effect its goals, purposes, and obligations as enumerated in this compact; which rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact;
- (3) Issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules, or actions;
- (4) Enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws using all necessary and proper means, including the use of the judicial process;
- (5) Establish and maintain offices, which shall be located within one or more of the member states;
- (6) Purchase and maintain insurance and bonds;
- (7) Borrow, accept, hire, or contract for services of personnel;
- (8) Establish and appoint committees, including the executive committee required by section 10(b)(5), which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;
- (9) Elect or appoint officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications, and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;
- (10) Accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same;
- (11) Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;
- (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
- (13) Establish a budget and make expenditures;
- (14) Adopt a seal and bylaws governing the management and operation of the Interstate Commission;
- (15) Report annually to the legislatures, governors, the Mayor of the District of Columbia, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year, including any recommendations that may have been adopted by the Interstate Commission;
- (16) Coordinate education, training, and public awareness regarding the compact, its implementation, and operation for officials and parents involved in compact activities;
- (17) Establish uniform standards for the reporting, collecting, and exchanging of data;
- (18) Maintain corporate books and records in accordance with the bylaws;

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

(20) Provide for the uniform collection and sharing of information between and among member states and the schools and military families affected under this compact.

Sec. 12. Organization and operation of the Interstate Commission.

New
§ 49-1101.11

(a) The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including:

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

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

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

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

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

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

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

(b) The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.

(c) The officers elected pursuant to subsection (b) of this section shall serve without compensation or remuneration from the Interstate Commission; provided, that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred in the performance of their responsibilities as officers of the Interstate Commission.

(d)(1) The executive committee shall have such authority and duties as may be set forth in the bylaws, which shall include:

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

(B) Overseeing an organizational structure 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 to advance the goals of the Interstate Commission.

(2) 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 considers appropriate.

(3) The executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission.

(4) The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

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

(f)(1) The liability of the Interstate Commission's executive director and its employees or Interstate Commission representatives, acting within the scope of their employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action.

(2) Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(g) The Interstate Commission shall defend the executive director and its employees, and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(h) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission

employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

Sec. 13. Rulemaking functions of the Interstate Commission.

New
§ 49-1101.12

(a) The Interstate Commission shall promulgate reasonable rules to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, if the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this act or the powers granted pursuant to this act, then such exercise by the Interstate Commission shall be invalid and have no force or effect.

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

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

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

Sec. 14. Oversight, enforcement, and dispute resolution.

New
§ 49-1101.13

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

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

(3)(A) The Interstate Commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes.

(B) Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact, or promulgated rules.

(b)(1) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the bylaws or promulgated rules, the Interstate Commission shall:

(A) Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the Interstate

Commission; provided, that the Interstate Commission shall specify the conditions by which the defaulting state must cure its default;

(B) Provide remedial training and specific technical assistance regarding the default; and

(C) If the defaulting state fails to cure the default, terminate the defaulting state from the compact upon an affirmative vote of a majority of the member states, along with all rights, privileges, and benefits conferred by this compact from the effective date of termination.

(2) A cure of the default shall not relieve the offending state of obligations or liabilities incurred during the period of the default.

(3) Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Mayor and the Council, and each of the member states.

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

(5) The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or that has been suspended or terminated from the compact, unless it is otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

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

(c)(1) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the compact and which may arise among member states and between member and non-member states.

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

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

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

(3) The remedies herein shall not be the exclusive remedies of the Interstate

Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

Sec. 15. Financing of the Interstate Commission.

New
§ 49-1101.14

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

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

(c) The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same or pledge the credit of any of member state, except by and with the authority of the member state.

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

Sec. 16. Local agency participation.

New
§ 49-1101.15

(a) Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities.

(b) Each member state may determine the membership of its own State Council; provided, that its membership includes:

- (1) The State Superintendent of Education;
- (2) A representative from a military installation;
- (3) One representative each from the legislative and executive branches of government; and
- (4) Representatives of other offices and stakeholder groups the State Council considers appropriate.

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

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

(e) The compact commissioner responsible for the administration and management of the state's participation in the compact, in the case of the District of Columbia, shall be appointed by the Mayor, or as otherwise determined by this member state.

(f) The compact commissioner and the appointed or designated military family education liaison shall be ex-officio members of the State Council, unless there is already a full-voting member of the State Council.

Sec. 17. Member states, effective date, and amendment.

New
§ 49-1101.16

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

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

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

Sec. 18. Withdrawal and dissolution.

New
§ 49-1101.17

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

(b) Withdrawal from this compact shall be by the enactment of a statute repealing the statute that enacted the compact into law, but the repeal shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member jurisdiction.

(c) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt of the notice of withdrawal.

(d) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including the performance of obligations that extend beyond the effective date of withdrawal.

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

(f)(1) This compact shall dissolve effective upon the date of the withdrawal or default of the member state that reduces the membership in the compact to one member state.

(2) Upon the dissolution of this compact, the compact becomes null and void and

shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds distributed in accordance with the bylaws.

Sec. 19. Severability and construction.

New
§ 49-1101.18

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

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

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

Sec. 20. Binding effect of compact and other laws.

New
§ 49-1101.19

(a) Nothing in this act prevents the enforcement of any other law of a member state that is not inconsistent with this compact. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

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

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

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

Sec. 21. District of Columbia State Interstate Compact Council.

New
§ 49-1101.20

(a) There is established the District of Columbia Educational Opportunity for Military Children State Council. The State Council shall be composed of 7 members. The State Council shall provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, the compact. The members of the State Council shall be:

(1) The Chairman of the Council, or his or her designee;

(2) The Mayor, or his or her designee;

(3) The State Superintendent of Education;

(4) A representative from a District military installation appointed by the U.S. Department of Defense;

(5) The Chancellor, or his or her designee;

(6) A public charter school leader designated by the Chairman of the Public Charter School Board; and

(7) A parent representative appointed by the Mayor.

(b) Five members of the State Council shall constitute a quorum for the transaction of official business and the issuance of rules and regulations.

(c)(1) The Mayor shall designate a chairman of the State Council from among its

members.

(2) The State Council shall meet at least 3 times in each year on the call of its chairman or at the request of a majority of its members.

Sec. 22. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 23. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register