

HOUSE BILL NO. 4813

August 26, 2025, Introduced by Reps. Pavlov, Thompson, Posthumus, Greene, Fox, Linting and Kunse and referred to Committee on Education and Workforce.

A bill to amend 2008 PA 160, entitled
"An act entering into the interstate compact on educational
opportunity for military children: and for related purposes,"
by amending sections 1 and 2 (MCL 3.1041 and 3.1042).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. The interstate compact on educational opportunity for
2 military children is enacted into law and entered into with all
3 jurisdictions legally joining in the compact, in the form
4 substantially as follows:
5 Interstate Compact on Educational

1 Opportunity for Military Children

2 ARTICLE I

3 PURPOSE

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

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

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

16 C. Facilitating the qualification and eligibility for
17 enrollment, educational programs, and participation in
18 extracurricular academic, athletic, and social activities.

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

21 E. Providing for the promulgation and enforcement of
22 administrative rules implementing the provisions of this compact.

23 F. Providing for the uniform collection and sharing of
24 information between and among member states, schools and military
25 families under this compact.

26 G. Promoting coordination between this compact and other
27 compacts affecting military children.

28 H. Promoting flexibility and cooperation between the
29 educational system, parents and the student in order to achieve

1 educational success for the student.

2 ARTICLE II

3 DEFINITIONS

4 As used in this compact, unless the context clearly requires a
5 different construction:

6 A. "Active duty" means: full-time duty status in the active
7 uniformed service of the United States, including members of the
8 National Guard and Reserve on active duty orders pursuant to 10
9 U.S.C. ~~Section~~ **Chapter** 1209 and 1211.

10 B. **"Armed Forces of the United States" means the Army, Navy,**
11 **Air Force, Marine Corps, Space Force, and Coast Guard, including**
12 **the National Guard and any reserve components.**

13 C. ~~B.~~—"Children of military families" means: a school-aged
14 child(ren), enrolled in Kindergarten through Twelfth (12th) grade,
15 in the household of an active duty member.

16 D. ~~C.~~—"Compact commissioner" means: the voting representative
17 of each compacting state appointed pursuant to Article VIII of this
18 compact.

19 E. ~~D.~~—"Deployment" means: the period one (1) month prior to
20 the service members' departure from their home station on military
21 orders though six (6) months after return to their home station.

22 F. ~~E.~~—"Education(al) records" means: those official records,
23 files, and data directly related to a student and maintained by the
24 school or local education agency, including but not limited to
25 records encompassing all the material kept in the student's
26 cumulative folder such as general identifying data, records of
27 attendance and of academic work completed, records of achievement
28 and results of evaluative tests, health data, disciplinary status,
29 test protocols, and individualized education programs.

G. F.—"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, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

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

I. H.—"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 Twelfth (12th) grade public educational institutions.

J. I.—"Member state" means: a state that has enacted this compact.

K. J.—"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, which 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. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

L. K.—"Non-member state" means: a state that has not enacted this compact.

M. L.—"Receiving state" means: the state to which a child of a

1 military family is sent, brought, or caused to be sent or brought.

2 **N. M.**—"Rule" means: a written statement by the Interstate
3 Commission promulgated pursuant to Article XII of this compact that
4 is of general applicability, implements, interprets or prescribes a
5 policy or provision of the Compact, or an organizational,
6 procedural, or practice requirement of the Interstate Commission,
7 and has the force and effect of statutory law in a member state,
8 and includes the amendment, repeal, or suspension of an existing
9 rule.

10 **O. N.**—"Sending state" means: the state from which a child of a
11 military family is sent, brought, or caused to be sent or brought.

12 **P. O.**—"State" means: a state of the United States, the
13 District of Columbia, the Commonwealth of Puerto Rico, the U.S.
14 Virgin Islands, Guam, American Samoa, the Northern Marianas Islands
15 and any other U.S. Territory.

16 **Q. P.**—"Student" means: the child of a military family for whom
17 the local education agency receives public funding and who is
18 formally enrolled in Kindergarten through Twelfth (12th) grade.

19 **R. O.**—"Transition" means: 1) the formal and physical process
20 of transferring from school to school or 2) the period of time in
21 which a student moves from one school in the sending state to
22 another school in the receiving state.

23 **S. R.**—"Uniformed service(s)" means: the Army, Navy, Air Force,
24 Marine Corps, Coast Guard as well as the Commissioned Corps of the
25 National Oceanic and Atmospheric Administration, and Public Health
26 Services **and any component thereof.**

27 **T. S.**—"Veteran" means: a person who served in the uniformed
28 services and who was discharged or released there from under
29 conditions other than dishonorable.

ARTICLE III

APPLICABILITY

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

1. active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. ~~Section~~**Chapter** 1209 and 1211;

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

3. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

B. The provisions of this interstate 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 Section A;

3. veterans of the uniformed services, except as provided in Section A; and

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

ARTICLE IV

EDUCATIONAL RECORDS & ENROLLMENT

1 A. Unofficial or "hand-carried" education records - In the
2 event that official education records cannot be released to the
3 parents for the purpose of transfer, the custodian of the records
4 in the sending state shall prepare and furnish to the parent a
5 complete set of unofficial educational records containing uniform
6 information as determined by the Interstate Commission. Upon
7 receipt of the unofficial education records by a school in the
8 receiving state, the school shall enroll and appropriately place
9 the student based on the information provided in the unofficial
10 records pending validation by the official records, as quickly as
11 possible.

12 B. Official education records/transcripts - Simultaneous with
13 the enrollment and conditional placement of the student, the school
14 in the receiving state shall request the student's official
15 education record from the school in the sending state. Upon receipt
16 of this request, the school in the sending state will process and
17 furnish the official education records to the school in the
18 receiving state within ten (10) days or within such time as is
19 reasonably determined under the rules promulgated by the Interstate
20 Commission.

21 C. Immunizations - Compacting states shall give thirty (30)
22 days from the date of enrollment or within such time as is
23 reasonably determined under the rules promulgated by the Interstate
24 Commission, for students to obtain any immunization(s) required by
25 the receiving state. For a series of immunizations, initial
26 vaccinations must be obtained within thirty (30) days or within
27 such time as is reasonably determined under the rules promulgated
28 by the Interstate Commission.

29 D. Kindergarten and First grade entrance age - Students shall

1 be allowed to continue their enrollment at grade level in the
2 receiving state commensurate with their grade level (including
3 Kindergarten) from a local education agency in the sending state at
4 the time of transition, regardless of age. A student that has
5 satisfactorily completed the prerequisite grade level in the local
6 education agency in the sending state shall be eligible for
7 enrollment in the next highest grade level in the receiving state,
8 regardless of age. A student transferring after the start of the
9 school year in the receiving state shall enter the school in the
10 receiving state on their validated level from an accredited school
11 in the sending state.

12 ARTICLE V

13 PLACEMENT & ATTENDANCE

14 A. Course placement - When the student transfers before or
15 during the school year, the receiving state school shall initially
16 honor placement of the student in educational courses based on the
17 student's enrollment in the sending state school and/or educational
18 assessments conducted at the school in the sending state if the
19 courses are offered. Course placement includes but is not limited
20 to Honors, International Baccalaureate, Advanced Placement,
21 vocational, technical and career pathways courses. Continuing the
22 student's academic program from the previous school and promoting
23 placement in academically and career challenging courses should be
24 paramount when considering placement. This does not preclude the
25 school in the receiving state from performing subsequent
26 evaluations to ensure appropriate placement and continued
27 enrollment of the student in the course(s).

28 B. Educational program placement - The receiving state school
29 shall initially honor placement of the student in educational

1 programs based on current educational assessments conducted at the
2 school in the sending state or participation/placement in like
3 programs in the sending state. Such programs include, but are not
4 limited to: 1) gifted and talented programs; and 2) English as a
5 second language (ESL). This does not preclude the school in the
6 receiving state from performing subsequent evaluations to ensure
7 appropriate placement of the student.

8 C. Special education services - 1) In compliance with the
9 federal requirements of the Individuals with Disabilities Education
10 Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the receiving state
11 shall initially provide comparable services to a student with
12 disabilities based on his/her current Individualized Education
13 Program (IEP); and 2) In compliance with the requirements of
14 Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and
15 with Title II of the Americans with Disabilities Act, 42 U.S.C.A.
16 Sections 12131-12165, the receiving state shall make reasonable
17 accommodations and modifications to address the needs of incoming
18 students with disabilities, subject to an existing 504 or Title II
19 Plan, to provide the student with equal access to education. This
20 does not preclude the school in the receiving state from performing
21 subsequent evaluations to ensure appropriate placement of the
22 student.

23 D. Placement flexibility - Local education agency
24 administrative officials shall have flexibility in waiving
25 course/program prerequisites, or other preconditions for placement
26 in courses/programs offered under the jurisdiction of the local
27 education agency.

28 E. Absence as related to deployment activities - A student
29 whose parent or legal guardian is an active duty member of the

1 uniformed services, as defined by the compact, and has been called
2 to duty for, is on leave from, or immediately returned from
3 deployment to a combat zone or combat support posting, shall be
4 granted additional excused absences at the discretion of the local
5 education agency superintendent to visit with his or her parent or
6 legal guardian relative to such leave or deployment of the parent
7 or guardian.

8 ARTICLE VI
9 ELIGIBILITY

10 A. Eligibility for enrollment

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

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

20 3. A transitioning military child, placed in the care of a
21 non-custodial parent or other person standing in loco parentis who
22 lives in a jurisdiction other than that of the custodial parent,
23 may continue to attend the school in which he/she was enrolled
24 while residing with the custodial parent.

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

ARTICLE VII

GRADUATION

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

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

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

C. Transfers during Senior year - 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. In the event that one of the states in question is not a

1 member of this compact, the member state shall use best efforts to
2 facilitate the on-time graduation of the student in accordance with
3 Sections A and B of this Article.

4 ARTICLE VIII

5 STATE COORDINATION

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

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

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

1 D. The compact commissioner and the military family education
2 liaison designated herein shall be ex-officio members of the State
3 Council, unless either is already a full voting member of the State
4 Council.

5 ARTICLE IX

6 INTERSTATE COMMISSION ON EDUCATIONAL
7 OPPORTUNITY FOR MILITARY CHILDREN

8 The member states hereby create the "Interstate Commission on
9 Educational Opportunity for Military Children." The activities of
10 the Interstate Commission are the formation of public policy and
11 are a discretionary state function. The Interstate Commission
12 shall:

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

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

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

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

26 3. A representative shall not delegate a vote to another
27 member state. In the event the compact commissioner is unable to
28 attend a meeting of the Interstate Commission, the Governor or
29 State Council may delegate voting authority to another person from

1 their state for a specified meeting.

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

5 C. Consist of ex-officio, non-voting representatives who are
6 members of interested organizations. Such ex-officio members, as
7 defined in the bylaws, may include but not be limited to, members
8 of the representative organizations of military family advocates,
9 local education agency officials, parent and teacher groups, the
10 U.S. Department of Defense, the Education Commission of the States,
11 the Interstate Agreement on the Qualification of Educational
12 Personnel and other interstate compacts affecting the education of
13 children of military members.

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

17 E. Establish an executive committee, whose members shall
18 include the officers of the Interstate Commission and such other
19 members of the Interstate Commission as determined by the bylaws.
20 Members of the executive committee shall serve a one year term.
21 Members of the executive committee shall be entitled to one vote
22 each. The executive committee shall have the power to act on behalf
23 of the Interstate Commission, with the exception of rulemaking,
24 during periods when the Interstate Commission is not in session.
25 The executive committee shall oversee the day-to-day activities of
26 the administration of the compact including enforcement and
27 compliance with the provisions of the compact, its bylaws and
28 rules, and other such duties as deemed necessary. The U.S. Dept. of
29 Defense, shall serve as an ex-officio, nonvoting member of the

1 executive committee.

2 F. Establish bylaws and rules that provide for conditions and
3 procedures under which the Interstate Commission shall make its
4 information and official records available to the public for
5 inspection or copying. The Interstate Commission may exempt from
6 disclosure information or official records to the extent they would
7 adversely affect personal privacy rights or proprietary interests.

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

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

16 2. Disclose matters specifically exempted from disclosure by
17 federal and state statute;

18 3. Disclose trade secrets or commercial or financial
19 information which is privileged or confidential;

20 4. Involve accusing a person of a crime, or formally censuring
21 a person;

22 5. Disclose information of a personal nature where disclosure
23 would constitute a clearly unwarranted invasion of personal
24 privacy;

25 6. Disclose investigative records compiled for law enforcement
26 purposes; or

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

29 H. Shall cause its legal counsel or designee to certify that a

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

12 I. Shall collect standardized data concerning the educational
13 transition of the children of military families under this compact
14 as directed through its rules which shall specify the data to be
15 collected, the means of collection and data exchange and reporting
16 requirements. Such methods of data collection, exchange and
17 reporting shall, in so far as is reasonably possible, conform to
18 current technology and coordinate its information functions with
19 the appropriate custodian of records as identified in the bylaws
20 and rules.

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

28 ARTICLE X

29 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

1 The Interstate Commission shall have the following powers:

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

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

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

11 D. To enforce compliance with the compact provisions, the
12 rules promulgated by the Interstate Commission, and the bylaws,
13 using all necessary and proper means, including but not limited to
14 the use of judicial process.

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

17 F. To purchase and maintain insurance and bonds.

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

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

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

1 personnel.

2 J. To accept any and all donations and grants of money,
3 equipment, supplies, materials, and services, and to receive,
4 utilize, and dispose of it.

5 K. To lease, purchase, accept contributions or donations of,
6 or otherwise to own, hold, improve or use any property, real,
7 personal, or mixed.

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

11 M. To establish a budget and make expenditures.

12 N. To adopt a seal and bylaws governing the management and
13 operation of the Interstate Commission.

14 O. To report annually to the legislatures, governors,
15 judiciary, and state councils of the member states concerning the
16 activities of the Interstate Commission during the preceding year.
17 Such reports shall also include any recommendations that may have
18 been adopted by the Interstate Commission.

19 P. To coordinate education, training and public awareness
20 regarding the compact, its implementation and operation for
21 officials and parents involved in such activity.

22 Q. To establish uniform standards for the reporting,
23 collecting and exchanging of data.

24 R. To maintain corporate books and records in accordance with
25 the bylaws.

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

28 T. To provide for the uniform collection and sharing of
29 information between and among member states, schools and military

1 families under this compact.

2 ARTICLE XI

3 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

4 A. The Interstate Commission shall, by a majority of the
5 members present and voting, within 12 months after the first
6 Interstate Commission meeting, adopt bylaws to govern its conduct
7 as may be necessary or appropriate to carry out the purposes of the
8 compact, including, but not limited to:

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

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

12 3. Providing for the establishment of committees and for
13 governing any general or specific delegation of authority or
14 function of the Interstate Commission;

15 4. Providing reasonable procedures for calling and conducting
16 meetings of the Interstate Commission, and ensuring reasonable
17 notice of each such meeting;

18 5. Establishing the titles and responsibilities of the
19 officers and staff of the Interstate Commission;

20 6. Providing a mechanism for concluding the operations of the
21 Interstate Commission and the return of surplus funds that may
22 exist upon the termination of the compact after the payment and
23 reserving of all of its debts and obligations.

24 7. Providing "start up" rules for initial administration of
25 the compact.

26 B. The Interstate Commission shall, by a majority of the
27 members, elect annually from among its members a chairperson, a
28 vice-chairperson, and a treasurer, each of whom shall have such
29 authority and duties as may be specified in the bylaws. The

1 chairperson or, in the chairperson's absence or disability, the
2 vice-chairperson, shall preside at all meetings of the Interstate
3 Commission. The officers so elected shall serve without
4 compensation or remuneration from the Interstate Commission;
5 provided that, subject to the availability of budgeted funds, the
6 officers shall be reimbursed for ordinary and necessary costs and
7 expenses incurred by them in the performance of their
8 responsibilities as officers of the Interstate Commission.

9 C. Executive Committee, Officers and Personnel

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

13 a. Managing the affairs of the Interstate Commission in a
14 manner consistent with the bylaws and purposes of the Interstate
15 Commission;

16 b. Overseeing an organizational structure within, and
17 appropriate procedures for the Interstate Commission to provide for
18 the creation of rules, operating procedures, and administrative and
19 technical support functions; and

20 c. Planning, implementing, and coordinating communications and
21 activities with other state, federal and local government
22 organizations in order to advance the goals of the Interstate
23 Commission.

24 3. The executive committee may, subject to the approval of the
25 Interstate Commission, appoint or retain an executive director for
26 such period, upon such terms and conditions and for such
27 compensation, as the Interstate Commission may deem appropriate.
28 The executive director shall serve as secretary to the Interstate
29 Commission, but shall not be a Member of the Interstate Commission.

1 The executive director shall hire and supervise such other persons
2 as may be authorized by the Interstate Commission.

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

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

25 2. The Interstate Commission shall defend the executive
26 director and its employees and, subject to the approval of the
27 Attorney General or other appropriate legal counsel of the member
28 state represented by an Interstate Commission representative, shall
29 defend such Interstate Commission representative in any civil

1 action seeking to impose liability arising out of an actual or
2 alleged act, error or omission that occurred within the scope of
3 Interstate Commission employment, duties or responsibilities, or
4 that the defendant had a reasonable basis for believing occurred
5 within the scope of Interstate Commission employment, duties, or
6 responsibilities, provided that the actual or alleged act, error,
7 or omission did not result from intentional or willful and wanton
8 misconduct on the part of such person.

9 3. To the extent not covered by the state involved, member
10 state, or the Interstate Commission, the representatives or
11 employees of the Interstate Commission shall be held harmless in
12 the amount of a settlement or judgment, including attorney's fees
13 and costs, obtained against such persons arising out of an actual
14 or alleged act, error, or omission that occurred within the scope
15 of Interstate Commission employment, duties, or responsibilities,
16 or that such persons had a reasonable basis for believing occurred
17 within the scope of Interstate Commission employment, duties, or
18 responsibilities, provided that the actual or alleged act, error,
19 or omission did not result from intentional or willful and wanton
20 misconduct on the part of such persons.

21 ARTICLE XII

22 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

23 A. Rulemaking Authority - The Interstate Commission shall
24 promulgate reasonable rules in order to effectively and efficiently
25 achieve the purposes of this Compact. Notwithstanding the
26 foregoing, in the event the Interstate Commission exercises its
27 rulemaking authority in a manner that is beyond the scope of the
28 purposes of this Act, or the powers granted hereunder, then such an
29 action by the Interstate Commission shall be invalid and have no

1 force or effect.

2 B. Rulemaking Procedure - Rules shall be made pursuant to a
3 rulemaking process that substantially conforms to the "Model State
4 Administrative Procedure Act," of 1981 Act, Uniform Laws Annotated,
5 Vol. 15, p.1 (2000) as amended, as may be appropriate to the
6 operations of the Interstate Commission.

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

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

20 ARTICLE XIII

21 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

22 A. Oversight

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

29 2. All courts shall take judicial notice of the compact and

1 the rules in any judicial or administrative proceeding in a member
2 state pertaining to the subject matter of this compact which may
3 affect the powers, responsibilities or actions of the Interstate
4 Commission.

5 3. The Interstate Commission shall be entitled to receive all
6 service of process in any such proceeding, and shall have standing
7 to intervene in the proceeding for all purposes. Failure to provide
8 service of process to the Interstate Commission shall render a
9 judgment or order void as to the Interstate Commission, this
10 compact or promulgated rules.

11 B. Default, Technical Assistance, Suspension and Termination -
12 If the Interstate Commission determines that a member state has
13 defaulted in the performance of its obligations or responsibilities
14 under this compact, or the bylaws or promulgated rules, the
15 Interstate Commission shall:

16 1. Provide written notice to the defaulting state and other
17 member states, of the nature of the default, the means of curing
18 the default and any action taken by the Interstate Commission. The
19 Interstate Commission shall specify the conditions by which the
20 defaulting state must cure its default.

21 2. Provide remedial training and specific technical assistance
22 regarding the default.

23 3. If the defaulting state fails to cure the default, the
24 defaulting state shall be terminated from the compact upon an
25 affirmative vote of a majority of the member states and all rights,
26 privileges and benefits conferred by this compact shall be
27 terminated from the effective date of termination. A cure of the
28 default does not relieve the offending state of obligations or
29 liabilities incurred during the period of the default.

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

7 5. The state which has been suspended or terminated is
8 responsible for all assessments, obligations and liabilities
9 incurred through the effective date of suspension or termination
10 including obligations, the performance of which extends beyond the
11 effective date of suspension or termination.

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

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

23 C. Dispute Resolution

24 1. The Interstate Commission shall attempt, upon the request
25 of a member state, to resolve disputes which are subject to the
26 compact and which may arise among member states and between member
27 and non-member states.

28 2. The Interstate Commission shall promulgate a rule providing
29 for both mediation and binding dispute resolution for disputes as

1 appropriate.

2 D. Enforcement

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

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

16 3. The remedies herein shall not be the exclusive remedies of
17 the Interstate Commission. The Interstate Commission may avail
18 itself of any other remedies available under state law or the
19 regulation of a profession.

20 ARTICLE XIV

21 FINANCING OF THE INTERSTATE COMMISSION

22 A. The Interstate Commission shall pay, or provide for the
23 payment of the reasonable expenses of its establishment,
24 organization and ongoing activities.

25 B. The Interstate Commission may levy on and collect an annual
26 assessment from each member state to cover the cost of the
27 operations and activities of the Interstate Commission and its
28 staff which must be in a total amount sufficient to cover the
29 Interstate Commission's annual budget as approved each year. The

1 aggregate annual assessment amount shall be allocated based upon a
2 formula to be determined by the Interstate Commission, which shall
3 promulgate a rule binding upon all member states.

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

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

17 ARTICLE XV

18 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

20 B. The compact shall become effective and binding upon
21 legislative enactment of the compact into law by no less than ten
22 (10) of the states. The effective date shall be no earlier than
23 December 1, 2007. Thereafter it shall become effective and binding
24 as to any other member state upon enactment of the compact into law
25 by that state. The governors of non-member states or their
26 designees shall be invited to participate in the activities of the
27 Interstate Commission on a nonvoting basis prior to adoption of the
28 compact by all states.

29 C. The Interstate Commission may propose amendments to the

1 compact for enactment by the member states. No amendment shall
2 become effective and binding upon the Interstate Commission and the
3 member states unless and until it is enacted into law by unanimous
4 consent of the member states.

5 ARTICLE XVI

6 WITHDRAWAL AND DISSOLUTION

7 A. Withdrawal

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

12 2. Withdrawal from this compact shall be by the enactment of a
13 statute repealing the same, but shall not take effect until one (1)
14 year after the effective date of such statute and until written
15 notice of the withdrawal has been given by the withdrawing state to
16 the Governor of each other member jurisdiction.

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

23 4. The withdrawing state is responsible for all assessments,
24 obligations and liabilities incurred through the effective date of
25 withdrawal, including obligations, the performance of which extend
26 beyond the effective date of withdrawal.

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

1 B. Dissolution of Compact

2 1. This compact shall dissolve effective upon the date of the
3 withdrawal or default of the member state which reduces the
4 membership in the compact to one (1) member state.

5 2. Upon the dissolution of this compact, the compact becomes
6 null and void and shall be of no further force or effect, and the
7 business and affairs of the Interstate Commission shall be
8 concluded and surplus funds shall be distributed in accordance with
9 the bylaws.

10 ARTICLE XVII

11 SEVERABILITY AND CONSTRUCTION

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

15 B. The provisions of this compact shall be liberally construed
16 to effectuate its purposes.

17 C. Nothing in this compact shall be construed to prohibit the
18 applicability of other interstate compacts to which the states are
19 members.

20 ARTICLE XVIII

21 BINDING EFFECT OF COMPACT AND OTHER LAWS

22 A. Other Laws

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

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

27 B. Binding Effect of the Compact

28 1. All lawful actions of the Interstate Commission, including
29 all rules and bylaws promulgated by the Interstate Commission, are

1 binding upon the member states.

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

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

9 Sec. 2. (1) Subject to subsection (2), the governor shall
10 appoint this state's representative to the interstate commission on
11 educational opportunity for military children created in section 1.

12 (2) The governor shall appoint as this state's representative
13 under subsection (1) a person who meets all of the following or a
14 person who meets subdivisions (a) and (b) and is the spouse or
15 child of a person who meets subdivisions (c) and (d):

16 (a) Is a resident of this state.

17 (b) Is a person of good moral character.

18 (c) Has been honorably discharged from the ~~armed forces~~ **Armed**
19 **Forces** of the United States after at least 15 years of active duty
20 service.

21 (d) While engaged in active duty service in the ~~armed forces~~
22 **Armed Forces** of the United States, had at least 1 minor child
23 enrolled in elementary or secondary school.

24 ~~(3) As used in this section, "armed forces of the United~~
25 ~~States" means the armed forces of the United States and their~~
26 ~~reserve components and the United States coast guard.~~