

1 A bill to be entitled
2 An act relating to the Interstate Compact on
3 Educational Opportunity for Military Children;
4 creating s. 1000.36, F.S.; directing the Governor to
5 execute the Interstate Compact on Educational
6 Opportunity for Military Children on behalf of this
7 state with any other state or states legally adopting
8 the compact; providing definitions; providing
9 applicability; providing for the transfer of education
10 records from a sending to a receiving state; requiring
11 that children of military personnel be enrolled in
12 classes at current grade level; providing for
13 eligibility for graduation; providing for a state
14 council to coordinate agencies and schools; providing
15 for membership on the council; creating the Interstate
16 Commission on Educational Opportunity for Military
17 Children; providing for membership, organization,
18 meetings, operations, powers, and duties; creating an
19 executive committee; requiring the commission to adopt
20 rules; providing for a legal challenge to the adopted
21 rules; providing for oversight, enforcement, and
22 dispute resolution; providing procedures to suspend or
23 terminate member states; authorizing the commission to
24 levy and collect an annual assessment from each member
25 state; providing the method for the compact to become
26 effective and binding on the member states; providing
27 procedures for the withdrawal of a member state;
28 providing severability; providing for the effect of

29 | the compact on member states' laws; creating s.
 30 | 1000.37, F.S.; requiring the Secretary of State to
 31 | furnish a copy of the enrolled act enacting the
 32 | Interstate Compact on Educational Opportunity for
 33 | Military Children to each of the states approving the
 34 | compact; creating s. 1000.38, F.S.; authorizing the
 35 | designation of a Compact Commissioner and a Military
 36 | Family Education Liaison by the Governor; creating s.
 37 | 1000.39, F.S.; creating the State Council on
 38 | Interstate Educational Opportunity for Military
 39 | Children; providing purpose and membership;
 40 | prohibiting compensation; authorizing reimbursement
 41 | for per diem and travel expenses; providing for public
 42 | records and open meetings; requiring the Department of
 43 | Education to provide administrative support;
 44 | prescribing procedures if the council is abolished;
 45 | providing for future legislative review and repeal of
 46 | the act; providing an effective date.

47 |
 48 | Be It Enacted by the Legislature of the State of Florida:

49 |
 50 | Section 1. Section 1000.36, Florida Statutes, is created
 51 | to read:

52 | 1000.36 Interstate Compact on Educational
 53 | Opportunity for Military Children.--The Governor is authorized
 54 | and directed to execute the Interstate Compact on Educational
 55 | Opportunity for Military Children on behalf of this state with

56 any other state or states legally joining therein in the form
 57 substantially as follows:

58 Interstate Compact on Educational
 59 Opportunity for Military Children

60 ARTICLE I

61 PURPOSE.--It is the purpose of this compact to remove
 62 barriers to educational success imposed on children of military
 63 families because of frequent moves and deployment of their
 64 parents by:

65 A. Facilitating the timely enrollment of children of
 66 military families and ensuring that they are not placed at a
 67 disadvantage due to difficulty in the transfer of education
 68 records from the previous school district or variations in
 69 entrance or age requirements.

70 B. Facilitating the student placement process through
 71 which children of military families are not disadvantaged by
 72 variations in attendance requirements, scheduling, sequencing,
 73 grading, course content, or assessment.

74 C. Facilitating the qualification and eligibility for
 75 enrollment, educational programs, and participation in
 76 extracurricular academic, athletic, and social activities.

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

79 E. Providing for the adoption and enforcement of
 80 administrative rules implementing this compact.

81 F. Providing for the uniform collection and sharing of
 82 information between and among member states, schools, and
 83 military families under this compact.

84 G. Promoting coordination between this compact and other
85 compacts affecting military children.

86 H. Promoting flexibility and cooperation between the
87 educational system, parents, and the student in order to achieve
88 educational success for the student.

89 ARTICLE II

90 DEFINITIONS.--As used in this compact, unless the context
91 clearly requires a different construction, the term:

92 A. "Active duty" means the full-time duty status in the
93 active uniformed service of the United States, including members
94 of the National Guard and Reserve on active duty orders pursuant
95 to 10 U.S.C. ss. 1209 and 1211.

96 B. "Children of military families" means school-aged
97 children, enrolled in kindergarten through 12th grade, in the
98 household of an active-duty member.

99 C. "Compact commissioner" means the voting representative
100 of each compacting state appointed under Article VIII of this
101 compact.

102 D. "Deployment" means the period 1 month before the
103 service members' departure from their home station on military
104 orders though 6 months after return to their home station.

105 E. "Educational records" or "education records" means
106 those official records, files, and data directly related to a
107 student and maintained by the school or local education agency,
108 including, but not limited to, records encompassing all the
109 material kept in the student's cumulative folder such as general
110 identifying data, records of attendance and of academic work
111 completed, records of achievement and results of evaluative

112 tests, health data, disciplinary status, test protocols, and
113 individualized education programs.

114 F. "Extracurricular activities" means a voluntary activity
115 sponsored by the school or local education agency or an
116 organization sanctioned by the local education agency.

117 Extracurricular activities include, but are not limited to,
118 preparation for and involvement in public performances,
119 contests, athletic competitions, demonstrations, displays, and
120 club activities.

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

125 H. "Local education agency" means a public authority
126 legally constituted by the state as an administrative agency to
127 provide control of, and direction for, kindergarten through 12th
128 grade public educational institutions.

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

131 J. "Military installation" means a base, camp, post,
132 station, yard, center, homeport facility for any ship, or other
133 activity under the jurisdiction of the Department of Defense,
134 including any leased facility, which is located within any of
135 the several states, the District of Columbia, the Commonwealth
136 of Puerto Rico, the United States Virgin Islands, Guam, American
137 Samoa, the Northern Marianas Islands, and any other United
138 States Territory. The term does not include any facility used

139 primarily for civil works, rivers and harbors projects, or flood
 140 control projects.

141 K. "Nonmember state" means a state that has not enacted
 142 this compact.

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

146 M. "Rule" means a written statement by the Interstate
 147 Commission adopted under Article XII of this compact which is of
 148 general applicability, implements, interprets, or prescribes a
 149 policy or provision of the compact, or an organizational,
 150 procedural, or practice requirement of the Interstate
 151 Commission, and has the force and effect of statutory law in a
 152 member state, and includes the amendment, repeal, or suspension
 153 of an existing rule.

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

157 O. "State" means a state of the United States, the
 158 District of Columbia, the Commonwealth of Puerto Rico, the
 159 United States Virgin Islands, Guam, American Samoa, the Northern
 160 Marianas Islands, and any other United States Territory.

161 P. "Student" means the child of a military family for whom
 162 the local education agency receives public funding and who is
 163 formally enrolled in kindergarten through 12th grade.

164 Q. "Transition" means:

165 1. The formal and physical process of transferring from
 166 school to school; or

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

197 3. Veterans of the uniformed services, except as provided
198 in Section A; and

199 4. Other United States Department of Defense personnel and
200 other federal agency civilian and contract employees not defined
201 as active-duty members of the uniformed services.

202 ARTICLE IV

203 EDUCATIONAL RECORDS AND ENROLLMENT.--

204 A. If a child's official education records cannot be
205 released to the parents for the purpose of transfer, the
206 custodian of the records in the sending state shall prepare and
207 furnish to the parent a complete set of unofficial educational
208 records containing uniform information as determined by the
209 Interstate Commission. Upon receipt of the unofficial education
210 records by a school in the receiving state, that school shall
211 enroll and appropriately place the student based on the
212 information provided in the unofficial records pending
213 validation by the official records, as quickly as possible.

214 B. Simultaneous with the enrollment and conditional
215 placement of the student, the school in the receiving state
216 shall request the student's official education record from the
217 school in the sending state. Upon receipt of the record, the
218 school in the sending state shall process and furnish the
219 official education records to the school in the receiving state
220 within 10 days or within such time as is reasonably determined
221 under the rules adopted by the Interstate Commission.

222 C. Compact states must give 30 days from the date of
 223 enrollment or within such time as is reasonably determined under
 224 the rules adopted by the Interstate Commission for students to
 225 obtain any immunization required by the receiving state. For a
 226 series of immunizations, initial vaccinations must be obtained
 227 within 30 days or within such time as is reasonably determined
 228 under the rules promulgated by the Interstate Commission.

229 D. Students shall be allowed to continue their enrollment
 230 at grade level in the receiving state commensurate with their
 231 grade level, including kindergarten, from a local education
 232 agency in the sending state at the time of transition,
 233 regardless of age. A student who has satisfactorily completed
 234 the prerequisite grade level in the local education agency in
 235 the sending state is eligible for enrollment in the next highest
 236 grade level in the receiving state, regardless of age. A student
 237 transferring after the start of the school year in the receiving
 238 state shall enter the school in the receiving state on their
 239 validated level from an accredited school in the sending state.

240 ARTICLE V

241 PLACEMENT AND ATTENDANCE.--

242 A. If a student transfers before or during the school
 243 year, the receiving state school shall initially honor placement
 244 of the student in educational courses based on the student's
 245 enrollment in the sending state school or educational
 246 assessments conducted at the school in the sending state if the
 247 courses are offered. Course placement includes, but is not
 248 limited to, Honors, International Baccalaureate, Advanced
 249 Placement, vocational, technical, and career pathways courses.

250 Continuing the student's academic program from the previous
251 school and promoting placement in academically and career
252 challenging courses should be paramount when considering
253 placement. A school in the receiving state is not precluded from
254 performing subsequent evaluations to ensure appropriate
255 placement and continued enrollment of the student in the
256 courses.

257 B. The receiving state school must initially honor
258 placement of the student in educational programs based on
259 current educational assessments conducted at the school in the
260 sending state or participation or placement in like programs in
261 the sending state. Such programs include, but are not limited
262 to:

- 263 1. Gifted and talented programs; and
264 2. English as a second language (ESL).

265
266 A school in the receiving state is not precluded from performing
267 subsequent evaluations to ensure appropriate placement and
268 continued enrollment of the student in the courses.

269 C. A receiving state must initially provide comparable
270 services to a student with disabilities based on his or her
271 current individualized education program (IEP) in compliance
272 with the requirements of the Individuals with Disabilities
273 Education Act (IDEA), 20 U.S.C. s. 1400, et seq. A receiving
274 state must make reasonable accommodations and modifications to
275 address the needs of incoming students with disabilities,
276 subject to an existing section 504 or title II plan, to provide
277 the student with equal access to education, in compliance with

278 the provisions of Section 504 of the Rehabilitation Act, 29
 279 U.S.C.A. s. 794, and with title II of the Americans with
 280 Disabilities Act, 42 U.S.C. ss. 12131-12165. A school in the
 281 receiving state is not precluded from performing subsequent
 282 evaluations to ensure appropriate placement and continued
 283 enrollment of the student in the courses.

284 D. Local education agency administrative officials may
 285 waive course or program prerequisites, or other preconditions
 286 for placement in courses or programs offered under the
 287 jurisdiction of the local education agency.

288 E. A student whose parent or legal guardian is an active-
 289 duty member of the uniformed services and has been called to
 290 duty for, is on leave from, or immediately returned from
 291 deployment to, a combat zone or combat support posting shall be
 292 granted additional excused absences at the discretion of the
 293 local education agency superintendent to visit with his or her
 294 parent or legal guardian relative to such leave or deployment of
 295 the parent or guardian.

296 ARTICLE VI

297 ELIGIBILITY.--

298 A. When considering the eligibility of a child for
 299 enrolling in a school:

300 1. A special power of attorney relative to the
 301 guardianship of a child of a military family and executed under
 302 applicable law is sufficient for the purposes of enrolling the
 303 child in school and for all other actions requiring parental
 304 participation and consent.

305 2. A local education agency is prohibited from charging
306 local tuition to a transitioning military child placed in the
307 care of a noncustodial parent or other person standing in loco
308 parentis who lives in a school's jurisdiction different from
309 that of the custodial parent.

310 3. A transitioning military child, placed in the care of a
311 noncustodial parent or other person standing in loco parentis
312 who lives in a school's jurisdiction different from that of the
313 custodial parent, may continue to attend the school in which he
314 or she was enrolled while residing with the custodial parent.

315 B. State and local education agencies must facilitate the
316 opportunity for transitioning military children's inclusion in
317 extracurricular activities, regardless of application deadlines,
318 to the extent they are otherwise qualified.

319 ARTICLE VII

320 GRADUATION.--In order to facilitate the on-time graduation
321 of children of military families, states and local education
322 agencies shall incorporate the following procedures:

323 A. Local education agency administrative officials shall
324 wave specific courses required for graduation if similar course
325 work has been satisfactorily completed in another local
326 education agency or shall provide reasonable justification for
327 denial. If a waiver is not granted to a student who would
328 qualify to graduate from the sending school, the local education
329 agency must provide an alternative means of acquiring required
330 coursework so that graduation may occur on time.

331 B. States shall accept exit or end-of-course exams
332 required for graduation from the sending state; national norm-

333 referenced achievement tests; or alternative testing, in lieu of
 334 testing requirements for graduation in the receiving state. If
 335 these alternatives cannot be accommodated by the receiving state
 336 for a student transferring in his or her senior year, then the
 337 provisions of Article VII, Section C shall apply.

338 C. If a military student transfers at the beginning or
 339 during his or her senior year and is not eligible to graduate
 340 from the receiving local education agency after all alternatives
 341 have been considered, the sending and receiving local education
 342 agencies must ensure the receipt of a diploma from the sending
 343 local education agency, if the student meets the graduation
 344 requirements of the sending local education agency. If one of
 345 the states in question is not a member of this compact, the
 346 member state shall use its best efforts to facilitate the on-
 347 time graduation of the student in accordance with Sections A and
 348 B of this Article.

349 ARTICLE VIII

350 STATE COORDINATION.--Each member state shall, through the
 351 creation of a state council or use of an existing body or board,
 352 provide for the coordination among its agencies of government,
 353 local education agencies, and military installations concerning
 354 the state's participation in, and compliance with, this compact
 355 and Interstate Commission activities.

356 A. Each member state may determine the membership of its
 357 own state council but the membership must include at least: the
 358 state superintendent of education, the superintendent of a
 359 school district that has a high concentration of military
 360 children, a representative from a military installation, one

361 representative each from the legislative and executive branches
362 of government, and other offices and stakeholder groups the
363 state council deems appropriate. A member state that does not
364 have a school district deemed to contain a high concentration of
365 military children may appoint a superintendent from another
366 school district to represent local education agencies on the
367 state council.

368 B. The state council of each member state shall appoint or
369 designate a military family education liaison to assist military
370 families and the state in facilitating the implementation of
371 this compact.

372 C. The compact commissioner responsible for the
373 administration and management of the state's participation in
374 the compact shall be appointed by the Governor or as otherwise
375 determined by each member state.

376 D. The compact commissioner and the military family
377 education liaison shall be ex officio members of the state
378 council, unless either is already a full voting member of the
379 state council.

380 ARTICLE IX

381 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR
382 MILITARY CHILDREN.--The member states hereby create the
383 "Interstate Commission on Educational Opportunity for Military
384 Children." The activities of the Interstate Commission are the
385 formation of public policy and are a discretionary state
386 function. The Interstate Commission shall:

387 A. Be a body corporate and joint agency of the member
388 states and shall have all the responsibilities, powers, and

389 duties set forth herein, and such additional powers as may be
390 conferred upon it by a subsequent concurrent action of the
391 respective legislatures of the member states in accordance with
392 the terms of this compact.

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

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

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

401 3. A representative shall not delegate a vote to another
402 member state. In the event the compact commissioner is unable to
403 attend a meeting of the Interstate Commission, the Governor or
404 state council may delegate voting authority to another person
405 from their state for a specified meeting.

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

409 C. Consist of ex officio, nonvoting representatives who
410 are members of interested organizations. The ex officio members,
411 as defined in the bylaws, may include, but not be limited to,
412 members of the representative organizations of military family
413 advocates, local education agency officials, parent and teacher
414 groups, the United States Department of Defense, the Education
415 Commission of the States, the Interstate Agreement on the
416 Qualification of Educational Personnel, and other interstate

417 compacts affecting the education of children of military
418 members.

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

422 E. Establish an executive committee, whose members shall
423 include the officers of the Interstate Commission and such other
424 members of the Interstate Commission as determined by the
425 bylaws. Members of the executive committee shall serve a 1-year
426 term. Members of the executive committee are entitled to one
427 vote each. The executive committee shall have the power to act
428 on behalf of the Interstate Commission, with the exception of
429 rulemaking, during periods when the Interstate Commission is not
430 in session. The executive committee shall oversee the day-to-day
431 activities of the administration of the compact including
432 enforcement and compliance with the compact, its bylaws and
433 rules, and other such duties as deemed necessary. The United
434 States Department of Defense shall serve as an ex officio,
435 nonvoting member of the executive committee.

436 F. Establish bylaws and rules that provide for conditions
437 and procedures under which the Interstate Commission shall make
438 its information and official records available to the public for
439 inspection or copying. The Interstate Commission may exempt from
440 disclosure information or official records to the extent they
441 would adversely affect personal privacy rights or proprietary
442 interests.

443 G. Give public notice of all meetings and all meetings
444 shall be open to the public, except as set forth in the rules or

445 as otherwise provided in the compact. The Interstate Commission
446 and its committees may close a meeting, or portion thereof,
447 where it determines by two-thirds vote that an open meeting
448 would be likely to:

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

451 2. Disclose matters specifically exempted from disclosure
452 by federal and state statute;

453 3. Disclose trade secrets or commercial or financial
454 information which is privileged or confidential;

455 4. Involve accusing a person of a crime, or formally
456 censuring a person;

457 5. Disclose information of a personal nature where
458 disclosure would constitute a clearly unwarranted invasion of
459 personal privacy;

460 6. Disclose investigative records compiled for law
461 enforcement purposes; or

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

464 H. For a meeting, or portion of a meeting, closed pursuant
465 to this provision, the Interstate Commission's legal counsel or
466 designee shall certify that the meeting may be closed and shall
467 reference each relevant exemptible provision. The Interstate
468 Commission shall keep minutes which shall fully and clearly
469 describe all matters discussed in a meeting and shall provide a
470 full and accurate summary of actions taken, and the reasons
471 therefore, including a description of the views expressed and
472 the record of a roll call vote. All documents considered in

473 connection with an action shall be identified in such minutes.
 474 All minutes and documents of a closed meeting shall remain under
 475 seal, subject to release by a majority vote of the Interstate
 476 Commission.

477 I. The Interstate Commission shall collect standardized
 478 data concerning the educational transition of the children of
 479 military families under this compact as directed through its
 480 rules which shall specify the data to be collected, the means of
 481 collection and data exchange, and reporting requirements. The
 482 methods of data collection, exchange, and reporting shall, in so
 483 far as is reasonably possible, conform to current technology and
 484 coordinate its information functions with the appropriate
 485 custodian of records as identified in the bylaws and rules.

486 J. The Interstate Commission shall create a procedure that
 487 permits military officials, education officials, and parents to
 488 inform the Interstate Commission if and when there are alleged
 489 violations of the compact or its rules or when issues subject to
 490 the jurisdiction of the compact or its rules are not addressed
 491 by the state or local education agency. This section does not
 492 create a private right of action against the Interstate
 493 Commission or any member state.

494 ARTICLE X

495 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.--The
 496 Interstate Commission has the power to:

497 A. Provide for dispute resolution among member states.

498 B. Adopt rules and take all necessary actions to effect
 499 the goals, purposes, and obligations as enumerated in this
 500 compact. The rules have the force and effect of statutory law

501 and are binding in the compact states to the extent and in the
502 manner provided in this compact.

503 C. Issue, upon request of a member state, advisory
504 opinions concerning the meaning or interpretation of the
505 interstate compact, its bylaws, rules, and actions.

506 D. Enforce compliance with the compact provisions, the
507 rules adopted by the Interstate Commission, and the bylaws,
508 using all necessary and proper means, including, but not limited
509 to, the use of judicial process.

510 E. Establish and maintain offices that shall be located
511 within one or more of the member states.

512 F. Purchase and maintain insurance and bonds.

513 G. Borrow, accept, hire, or contract for services of
514 personnel.

515 H. Establish and appoint committees, including, but not
516 limited to, an executive committee as required by Article IX,
517 Section E, which shall have the power to act on behalf of the
518 Interstate Commission in carrying out its powers and duties
519 hereunder.

520 I. Elect or appoint such officers, attorneys, employees,
521 agents, or consultants, and to fix their compensation, define
522 their duties, and determine their qualifications; and to
523 establish the Interstate Commission's personnel policies and
524 programs relating to conflicts of interest, rates of
525 compensation, and qualifications of personnel.

526 J. Accept any and all donations and grants of money,
527 equipment, supplies, materials, and services, and to receive,
528 utilize, and dispose of it.

529 K. Lease, purchase, accept contributions or donations of,
 530 or otherwise to own, hold, improve, or use any property, real,
 531 personal, or mixed.

532 L. Sell, convey, mortgage, pledge, lease, exchange,
 533 abandon, or otherwise dispose of any property, real, personal,
 534 or mixed.

535 M. Establish a budget and make expenditures.

536 N. Adopt a seal and bylaws governing the management and
 537 operation of the Interstate Commission.

538 O. Report annually to the legislatures, governors,
 539 judiciary, and state councils of the member states concerning
 540 the activities of the Interstate Commission during the preceding
 541 year. Such reports shall also include any recommendations that
 542 may have been adopted by the Interstate Commission.

543 P. Coordinate education, training, and public awareness
 544 regarding the compact, its implementation, and operation for
 545 officials and parents involved in such activity.

546 Q. Establish uniform standards for the reporting,
 547 collecting, and exchanging of data.

548 R. Maintain corporate books and records in accordance with
 549 the bylaws.

550 S. Perform such functions as may be necessary or
 551 appropriate to achieve the purposes of this compact.

552 T. Provide for the uniform collection and sharing of
 553 information between and among member states, schools, and
 554 military families under this compact.

555 ARTICLE XI

556 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.--

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

562 1. Establishing the fiscal year of the Interstate
563 Commission;

564 2. Establishing an executive committee and such other
565 committees as may be necessary;

566 3. Providing for the establishment of committees and for
567 governing any general or specific delegation of authority or
568 function of the Interstate Commission;

569 4. Providing reasonable procedures for calling and
570 conducting meetings of the Interstate Commission and ensuring
571 reasonable notice of each such meeting;

572 5. Establishing the titles and responsibilities of the
573 officers and staff of the Interstate Commission;

574 6. Providing a mechanism for concluding the operations of
575 the Interstate Commission and the return of surplus funds that
576 may exist upon the termination of the compact after the payment
577 and reserving of all of its debts and obligations.

578 7. Providing "start up" rules for initial administration
579 of the compact.

580 B. The Interstate Commission shall, by a majority of the
581 members, elect annually from among its members a chairperson, a
582 vice chairperson, and a treasurer, each of whom shall have such
583 authority and duties as may be specified in the bylaws. The
584 chairperson or, in the chairperson's absence or disability, the

585 vice chairperson shall preside at all meetings of the Interstate
586 Commission. The officers so elected shall serve without
587 compensation or remuneration from the Interstate Commission;
588 provided that, subject to the availability of budgeted funds,
589 the officers shall be reimbursed for ordinary and necessary
590 costs and expenses incurred by them in the performance of their
591 responsibilities as officers of the Interstate Commission.

592 C. The executive committee has the authority and duties as
593 may be set forth in the bylaws, including, but not limited to:

594 1. Managing the affairs of the Interstate Commission in a
595 manner consistent with the bylaws and purposes of the Interstate
596 Commission;

597 2. Overseeing an organizational structure within, and
598 appropriate procedures for, the Interstate Commission to provide
599 for the adoption of rules, operating procedures, and
600 administrative and technical support functions; and

601 3. Planning, implementing, and coordinating communications
602 and activities with other state, federal, and local government
603 organizations in order to advance the goals of the Interstate
604 Commission.

605 D. The executive committee may, subject to the approval of
606 the Interstate Commission, appoint or retain an executive
607 director for such period, upon such terms and conditions and for
608 such compensation, as the Interstate Commission may deem
609 appropriate. The executive director shall serve as secretary to
610 the Interstate Commission, but is not a member of the Interstate
611 Commission. The executive director shall hire and supervise such
612 other persons as may be authorized by the Interstate Commission.

613 E. The Interstate Commission's executive director and its
 614 employees are immune from suit and liability, either personally
 615 or in their official capacity, for a claim for damage to or loss
 616 of property or personal injury or other civil liability caused
 617 or arising out of, or relating to, an actual or alleged act,
 618 error, or omission that occurred, or that such person had a
 619 reasonable basis for believing occurred, within the scope of
 620 Interstate Commission employment, duties, or responsibilities,
 621 provided that the person is not protected from suit or liability
 622 for damage, loss, injury, or liability caused by the intentional
 623 or willful and wanton misconduct of the person.

624 1. The liability of the Interstate Commission's executive
 625 director and employees or Interstate Commission representatives,
 626 acting within the scope of the person's employment or duties,
 627 for acts, errors, or omissions occurring within the person's
 628 state may not exceed the limits of liability set forth under the
 629 constitution and laws of that state for state officials,
 630 employees, and agents. The Interstate Commission is considered
 631 to be an instrumentality of the states for the purposes of any
 632 such action. This subsection does not protect the person from
 633 suit or liability for damage, loss, injury, or liability caused
 634 by the intentional or willful and wanton misconduct of the
 635 person.

636 2. The Interstate Commission shall defend the executive
 637 director and its employees and, subject to the approval of the
 638 Attorney General or other appropriate legal counsel of the
 639 member state represented by an Interstate Commission
 640 representative, shall defend an Interstate Commission

641 representative in any civil action seeking to impose liability
642 arising out of an actual or alleged act, error, or omission that
643 occurred within the scope of Interstate Commission employment,
644 duties, or responsibilities, or that the defendant had a
645 reasonable basis for believing occurred within the scope of
646 Interstate Commission employment, duties, or responsibilities,
647 provided that the actual or alleged act, error, or omission did
648 not result from intentional or willful and wanton misconduct on
649 the part of the person.

650 3. To the extent not covered by the state involved, a
651 member state, the Interstate Commission, and the representatives
652 or employees of the Interstate Commission shall be held harmless
653 in the amount of a settlement or judgment, including attorney's
654 fees and costs, obtained against a person arising out of an
655 actual or alleged act, error, or omission that occurred within
656 the scope of Interstate Commission employment, duties, or
657 responsibilities, or that the person had a reasonable basis for
658 believing occurred within the scope of Interstate Commission
659 employment, duties, or responsibilities, provided that the
660 actual or alleged act, error, or omission did not result from
661 intentional or willful and wanton misconduct on the part of the
662 person.

663 ARTICLE XII

664 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--The
665 Interstate Commission shall adopt rules to effectively and
666 efficiently implement this act to achieve the purposes of this
667 compact.

668 A. If the Interstate Commission exercises its rulemaking
669 authority in a manner that is beyond the scope of the purposes
670 of this act, or the powers granted hereunder, the action
671 undertaken by the Interstate Commission is invalid and has no
672 force or effect.

673 B. Rules must be adopted pursuant to a rulemaking process
674 that substantially conforms to the "Model State Administrative
675 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.
676 1 (2000) as amended, as may be appropriate to the operations of
677 the Interstate Commission.

678 C. No later than 30 days after a rule is adopted, a person
679 may file a petition for judicial review of the rule. The filing
680 of the petition does not stay, or otherwise prevent the rule
681 from becoming effective, unless a court finds that the
682 petitioner has a substantial likelihood of success on the merits
683 of the petition. The court shall give deference to the actions
684 of the Interstate Commission consistent with applicable law and
685 shall not find the rule to be unlawful if the rule represents a
686 reasonable exercise of the Interstate Commission's authority.

687 D. If a majority of the legislatures of the compacting
688 states rejects a rule by enactment of a statute or resolution in
689 the same manner used to adopt the compact, then the rule is
690 invalid and has no further force and effect in any compacting
691 state.

692 ARTICLE XIII

693 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.--

694 A. The executive, legislative, and judicial branches of
695 state government in each member state shall enforce this compact

696 and shall take all actions necessary and appropriate to
 697 effectuate the compact's purposes and intent. The provisions of
 698 this compact and the rules adopted under it have the force and
 699 effect of statutory law.

700 B. All courts shall take judicial notice of the compact
 701 and its adopted rules in any judicial or administrative
 702 proceeding in a member state pertaining to the subject matter of
 703 this compact which may affect the powers, responsibilities, or
 704 actions of the Interstate Commission.

705 C. The Interstate Commission is entitled to receive all
 706 service of process in any such proceeding, and has standing to
 707 intervene in the proceeding for all purposes. Failure to provide
 708 service of process to the Interstate Commission renders a
 709 judgment or order void as to the Interstate Commission, this
 710 compact, or its adopted rules.

711 D. If the Interstate Commission determines that a member
 712 state has defaulted in the performance of its obligations or
 713 responsibilities under this compact, or the bylaws or the
 714 adopted rules, the Interstate Commission shall:

715 1. Provide written notice to the defaulting state and
 716 other member states of the nature of the default, the means of
 717 curing the default, and any action taken by the Interstate
 718 Commission. The Interstate Commission must specify the
 719 conditions by which the defaulting state must cure its default.

720 2. Provide remedial training and specific technical
 721 assistance regarding the default.

722 3. If the defaulting state fails to cure the default,
 723 terminate the defaulting state from the compact upon an

724 affirmative vote of a majority of the member states and all
725 rights, privileges, and benefits conferred by this compact shall
726 be terminated from the effective date of termination. A cure of
727 the default does not relieve the offending state of obligations
728 or liabilities incurred during the period of the default.

729 E. Suspension or termination of membership in the compact
730 may not be imposed on a member until all other means of securing
731 compliance have been exhausted. Notice of the intent to suspend
732 or terminate membership must be given by the Interstate
733 Commission to the Governor, the majority and minority leaders of
734 the defaulting state's legislature, and each of the member
735 states.

736 F. A state that has been suspended or terminated is
737 responsible for all assessments, obligations, and liabilities
738 incurred through the effective date of suspension or termination
739 including obligations, the performance of which extends beyond
740 the effective date of suspension or termination.

741 G. The remaining member states of the Interstate
742 Commission do not bear any costs arising from a state that has
743 been found to be in default or that has been suspended or
744 terminated from the compact, unless otherwise mutually agreed
745 upon in writing between the Interstate Commission and the
746 defaulting state.

747 H. A defaulting state may appeal the action of the
748 Interstate Commission by petitioning the United States District
749 Court for the District of Columbia or the federal district where
750 the Interstate Commission has its principal offices. The

751 prevailing party shall be awarded all costs of such litigation
 752 including reasonable attorney's fees.

753 I. The Interstate Commission shall attempt, upon the
 754 request of a member state, to resolve disputes that are subject
 755 to the compact and that may arise among member states and
 756 between member and nonmember states. The Interstate Commission
 757 shall promulgate a rule providing for both mediation and binding
 758 dispute resolution for disputes as appropriate.

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

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

773 3. The remedies herein are not the exclusive remedies of
 774 the Interstate Commission. The Interstate Commission may avail
 775 itself of any other remedies available under state law or the
 776 regulation of a profession.

777 ARTICLE XIV

778 FINANCING OF THE INTERSTATE COMMISSION.--

779 A. The Interstate Commission shall pay, or provide for the
 780 payment of, the reasonable expenses of its establishment,
 781 organization, and ongoing activities.

782 B. The Interstate Commission may levy on and collect an
 783 annual assessment from each member state to cover the cost of
 784 the operations and activities of the Interstate Commission and
 785 its staff which must be in a total amount sufficient to cover
 786 the Interstate Commission's annual budget as approved each year.
 787 The aggregate annual assessment amount shall be allocated based
 788 upon a formula to be determined by the Interstate Commission,
 789 which shall adopt a rule binding upon all member states.

790 C. The Interstate Commission may not incur any obligation
 791 of any kind before securing the funds adequate to meet the
 792 obligation and the Interstate Commission may not pledge the
 793 credit of any of the member states, except by and with the
 794 permission of the member state.

795 D. The Interstate Commission shall keep accurate accounts
 796 of all receipts and disbursements. The receipts and
 797 disbursements of the Interstate Commission are subject to audit
 798 and accounting procedures established under its bylaws. However,
 799 all receipts and disbursements of funds handled by the
 800 Interstate Commission shall be audited yearly by a certified or
 801 licensed public accountant and the report of the audit shall be
 802 included in and become part of the annual report of the
 803 Interstate Commission.

804 ARTICLE XV

805 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.--

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

807 B. The compact shall take effect and be binding upon
808 legislative enactment of the compact into law by not less than
809 10 of the states. The effective date shall be no earlier than
810 December 1, 2007. Thereafter, it shall become effective and
811 binding as to any other member state upon enactment of the
812 compact into law by that state. The governors of nonmember
813 states or their designees shall be invited to participate in the
814 activities of the Interstate Commission on a nonvoting basis
815 before adoption of the compact by all states.

816 C. The Interstate Commission may propose amendments to the
817 compact for enactment by the member states. An amendment does
818 not become effective and binding upon the Interstate Commission
819 and the member states until the amendment is enacted into law by
820 unanimous consent of the member states.

821 ARTICLE XVI

822 WITHDRAWAL AND DISSOLUTION.--

823 A. Once in effect, the compact continues in force and
824 remains binding upon each and every member state, provided that
825 a member state may withdraw from the compact, specifically
826 repealing the statute that enacted the compact into law.

827 1. Withdrawal from the compact occurs when a statute
828 repealing its membership is enacted by the state, but does not
829 take effect until 1 year after the effective date of the statute
830 and until written notice of the withdrawal has been given by the
831 withdrawing state to the Governor of each other member state.

832 2. The withdrawing state must immediately notify the
833 chairperson of the Interstate Commission in writing upon the
834 introduction of legislation repealing this compact in the

835 withdrawing state. The Interstate Commission shall notify the
836 other member states of the withdrawing state's intent to
837 withdraw within 60 days after its receipt thereof.

838 3. A withdrawing state is responsible for all assessments,
839 obligations, and liabilities incurred through the effective date
840 of withdrawal, including obligations, the performance of which
841 extend beyond the effective date of withdrawal.

842 4. Reinstatement following withdrawal of a member state
843 shall occur upon the withdrawing state reenacting the compact or
844 upon such later date as determined by the Interstate Commission.

845 B. This compact shall dissolve effective upon the date of
846 the withdrawal or default of the member state which reduces the
847 membership in the compact to one member state.

848 C. Upon the dissolution of this compact, the compact
849 becomes void and has no further force or effect, and the
850 business and affairs of the Interstate Commission shall be
851 concluded and surplus funds shall be distributed in accordance
852 with the bylaws.

853 ARTICLE XVII

854 SEVERABILITY AND CONSTRUCTION.--

855 A. The provisions of this compact shall be severable, and
856 if any phrase, clause, sentence, or provision is deemed
857 unenforceable, the remaining provisions of the compact shall be
858 enforceable.

859 B. The provisions of this compact shall be liberally
860 construed to effectuate its purposes.

861 C. This compact does not prohibit the applicability of
862 other interstate compacts to which the states are members.

ARTICLE XVIIIBINDING EFFECT OF COMPACT AND OTHER LAWS.--

A. This compact does not prevent the enforcement of any other law of a member state that is not inconsistent with this compact.

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

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

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

E. If any part of this compact exceeds the constitutional limits imposed on the Legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Section 2. Section 1000.37, Florida Statutes, is created to read:

1000.37 Copies to other states approving.--After the effective date of this act, the Secretary of State shall furnish to each of the states approving the Interstate Compact on Educational Opportunity for Military Children an enrolled copy of this act.

Section 3. Section 1000.38, Florida Statutes, is created to read:

889 1000.38 Compact Commissioner and Military Family Education
 890 Liaison; Interstate Compact on Educational Opportunity for
 891 Military Children.--

892 (1) In furtherance of Articles VIII and IX of the
 893 Interstate Compact on Educational Opportunity for Military
 894 Children, the Governor shall designate a:

895 (a) Compact Commissioner, who shall be responsible for the
 896 administration and management of this state's participation in
 897 the compact and who shall serve as this state's voting
 898 representative on the Interstate Commission on Educational
 899 Opportunity for Military Children.

900 (b) Military Family Education Liaison from the list of
 901 recommendations provided under s. 1000.39(2), who shall be
 902 responsible for assisting military families and the state in
 903 facilitating the implementation of this compact.

904 (2) The Compact Commissioner and the Military Family
 905 Education Liaison shall serve at the pleasure of the Governor.

906 Section 4. Section 1000.39, Florida Statutes, is created
 907 to read:

908 1000.39 State council; Interstate Compact on Educational
 909 Opportunity for Military Children.--

910 (1) Pursuant to Article VIII of the Interstate Compact on
 911 Educational Opportunity for Military Children, the State Council
 912 on Interstate Educational Opportunity for Military Children is
 913 created.

914 (2) (a) The purpose of the council is to provide advice and
 915 recommendations regarding this state's participation in and
 916 compliance with the compact and Interstate Commission on

917 Educational Opportunity for Military Children activities.
 918 (b) No later than 3 months after its formation, and
 919 whenever requested by the Governor thereafter, the council shall
 920 provide the Governor with names of at least three, but no more
 921 than five, persons who are recommended by the council to serve
 922 as the Military Family Education Liaison.
 923 (3) The council shall consist of the following seven
 924 members:
 925 (a) The Commissioner of Education or his or her designee.
 926 (b) The superintendent, or his or her designee, for the
 927 school district with the highest percentage per capita of
 928 military children during the previous school year.
 929 (c) Two members appointed by the Commissioner of
 930 Education, one of whom shall represent a military installation
 931 located within this state and one of whom shall represent the
 932 executive branch and possess experience in assisting military
 933 families in obtaining educational services for their children.
 934 The term of each member appointed under this paragraph shall be
 935 for 4 years, except that, in order to provide for staggered
 936 terms, the Commissioner of Education shall initially appoint one
 937 member to a term of 2 years and one member to a term of 3 years.
 938 (d) One member appointed by, and who shall serve at the
 939 pleasure of, the President of the Senate and the Speaker of the
 940 House of Representatives.
 941 (e) The Compact Commissioner and the Military Family
 942 Education Liaison designated by the Governor under s. 1000.38,
 943 who shall serve as nonvoting, ex officio members of the council.
 944 (4) Council members shall serve without compensation but

945 are entitled to reimbursement for per diem and travel expenses
946 as provided in s. 112.061.

947 (5) The provisions of s. 24, Art. I of the State
948 Constitution and of chapter 119 and s. 286.011 apply to
949 proceedings and records of the council. Minutes, including a
950 record of all votes cast, must be maintained for all meetings.

951 (6) The Department of Education shall provide
952 administrative support to the council.

953 (7) If the council is abolished, its records must be
954 appropriately stored, within 30 days after the effective date of
955 its abolition, by the department or its successor agency. Any
956 property assigned to the council must be reclaimed by the
957 department or its successor agency. The council may not perform
958 any activities after the effective date of its abolition.

959 Section 5. Sections 1000.36, 1000.37, 1000.38, and
960 1000.39, Florida Statutes, shall stand repealed 2 years after
961 the effective date of this act unless reviewed and saved from
962 repeal through reenactment by the Legislature.

963 Section 6. This act shall take effect July 1, 2008, or
964 upon enactment of the compact into law by nine other states,
965 whichever date occurs later.