

CHAPTER 388F - INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

<u>NRS 388F.010</u>	Enactment of Compact; text of Compact.
<u>NRS 388F.020</u>	State Council for the Coordination of the Compact; membership; terms; removal from office; vacancies; service without compensation.
<u>NRS 388F.030</u>	Appointment of liaison to assist with implementation of Compact; service without compensation.
<u>NRS 388F.040</u>	Appointment of Commissioner to administer participation of State in Compact; service without compensation.
<u>NRS 388F.050</u>	Interstate Compact on Educational Opportunity for Military Children Account; creation; administration; uses.
<u>NRS 388F.060</u>	Responsibilities of state officers, bureaus, departments and other persons; cooperation with State Council.
<u>NRS 388F.070</u>	Responsibilities of superintendents of school districts to accommodate pupil who transfers because of military transfer of parent; cooperation with school districts of other states to assist certain pupils in receiving high school diploma.

NRS 388F.010 Enactment of Compact; text of Compact. The Interstate Compact on Educational Opportunity for Military Children, set forth in this section, is hereby enacted into law and entered into with all other jurisdictions substantially as follows:

ARTICLE I

PURPOSE

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

- A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of educational records from the previous school district or variations in entrance and age requirements.
- B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment.
- C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic and social activities.
- D. Facilitating the on-time graduation of children of military families.
- E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this Compact.
- F. Providing for the uniform collection and sharing of information between and among member states, schools and military families under this Compact.
- G. Promoting coordination between this Compact and other compacts affecting children of military families.
- H. Promoting flexibility and cooperation between the educational system, parents and students to achieve educational success for the student.

ARTICLE II

DEFINITIONS

As used in this chapter, unless the context otherwise requires, the words and terms defined in this Article have the meanings ascribed to them in this Article:

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

B. "Child of a military family" means a school-aged child enrolled in kindergarten or grades 1 through 12, inclusive, in the household of a person on active duty.

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

D. "Deployment" means the period 1 month before the departure of a person on active duty from his or her home station on military orders through 6 months after return to his or her home station.

E. "Educational records" means the official records, files and data directly relating to a student which are maintained by a school or local education agency, including, without limitation, records encompassing all the material kept in the student's cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement, results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs.

F. "Extracurricular activities" means a voluntary activity sponsored by a school or local education agency or an organization sanctioned by a local education agency, including, without limitation, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities.

G. "Interstate Commission" means the Interstate Commission on Educational Opportunity for Military Children created by Article IX of this Compact.

H. "Local education agency" means an administrative agency legally constituted by the state to provide control of and direction for public educational institutions for kindergarten and grades 1 through 12, inclusive.

I. "Member state" means a state that has enacted this Compact.

J. "Military installation" means a base, camp, post, station, yard, center or homeport facility for any ship or other activity under the jurisdiction of the United States 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 United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands or any other territory of the United States. The term does not include a facility used primarily for civil works or river, harbor or flood control projects.

K. "Nonmember state" means a state that has not enacted this Compact.

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

M. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article XII of this Compact that is of general applicability and implements, interprets or prescribes a policy or provision of this Compact or an organizational, procedural or practice requirement of the Interstate Commission and has the force and effect of statutory law in a member state, including the amendment, repeal or suspension of an existing rule.

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

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

P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten or grades 1 through 12, inclusive.

Q. "Transition" means the formal and physical process of transferring from school to school or the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard or Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

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

ARTICLE III

APPLICABILITY

- A. Except as otherwise provided in sections B and C, this Compact shall apply to the children of:
1. Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211;
 2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of 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 1 year after death.

- B. The provisions of this Compact shall only apply to local education agencies.
- C. The provisions of this Compact shall not apply to the children of:
 - 1. Inactive members of the National Guard or military reserves;
 - 2. Retired members of the uniformed services, except as otherwise provided in section A;
 - 3. Veterans of the uniformed services, except as otherwise provided in section A; and
 - 4. Other United States Department 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 AND ENROLLMENT

A. Unofficial or “hand-carried” educational records – If official educational records cannot be released to the parent or legal guardian for the purpose of transfer, the custodian of the educational records in the sending state shall prepare and furnish to the parent or legal guardian a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial educational records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial educational records pending validation by the official records.

B. Official educational records – At the time that a school initially enrolls and determines the placement of a student, the school in the receiving state shall request the official educational records of the student from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official educational records to the school in the receiving state within 10 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

C. Immunizations – Member states shall give 30 days after the date of enrollment, or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days, or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Kindergarten and grade 1 entrance age – Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on the student’s validated level from the local education agency in the sending state.

ARTICLE V

PLACEMENT AND ATTENDANCE

A. Course placement – When a student transfers before or during the school year, the school in the receiving state shall initially honor placement of the student in educational courses based on the student’s enrollment in the school in the sending state or educational assessments conducted at the school in the sending state, if the courses are offered in the receiving state and space is available. Course placement includes, without limitation, honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student’s academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. Nothing in this section precludes the school in the receiving state from performing subsequent evaluations to ensure the appropriate placement and continued enrollment of the student in the appropriate courses.

B. Educational program placement – The school in the receiving state shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation and placement in like programs in the sending state. Such programs include, without limitation, gifted and talented programs and English as a second language. Nothing in this section precludes the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services – In compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the receiving state shall initially provide comparable services to a student with a disability based on

the student's current individualized education program. In compliance with the requirements of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. Nothing in this section precludes the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility – The administrative officials of the local education agency shall have flexibility in waiving course or program prerequisites, or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

E. Absence relating to deployment activities – A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the superintendent of the local education agency to visit with his or her parent or legal guardian relating to such leave or deployment.

ARTICLE VI

ELIGIBILITY

A. Eligibility for enrollment

1. A special power of attorney, for purposes of the guardianship of a child of a military family, which is executed pursuant to the applicable law of the jurisdiction in which the special power of attorney is executed is sufficient for the purposes of enrolling a student in school and for all other actions requiring participation and consent of a parent or legal guardian of the student.

2. A local education agency shall not charge local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

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

B. Eligibility for participation in extracurricular activities – State and local education agencies shall facilitate the opportunity for transitioning children of military families to be included in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII

GRADUATION

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

A. Waiver requirements – The administrative officials of the local education agency 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 of a waiver. If a waiver is not granted to a student who qualifies to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required course work so that the student may graduate on time.

B. Exit exams – States shall accept:

1. Exit or end-of-course exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing,

↪ in lieu of tests required for graduation in the receiving state. If the alternatives set forth in this section cannot be accommodated by the receiving state for a student transferring during the student's senior year, then the provisions of section C shall apply.

C. Transfers during senior year – If a military student transferring immediately before beginning or during the student's senior year is ineligible to graduate from the local education agency of the receiving state after all alternatives have been considered pursuant to this Article, the local education agencies of the sending state and the receiving state shall ensure the receipt of a diploma from the local education agency of the sending state if the student meets the

graduation requirements of the local education agency of the sending state. If the sending state or the receiving state is not a member of this Compact, the member state shall use its best efforts to facilitate the on-time graduation of the student in accordance with this Article.

ARTICLE VIII

STATE COORDINATION

A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this Compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least the state superintendent of public education, a superintendent of a school district with a high concentration of children of military families, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the member state deems appropriate. A member state that does not have a school district deemed to contain a high concentration of children of military families may appoint a superintendent from another school district to represent the local education agencies of the member state on the State Council.

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

C. A compact commissioner responsible for the administration and management of the state's participation in the Compact shall be appointed by the Governor or as otherwise determined by each member state.

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

ARTICLE IX

INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The Interstate Commission may form public policy and is a discretionary state function. The Interstate Commission shall:

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

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

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

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

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

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

C. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include, without limitation, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States Department of Defense, the Education Commission of the States, the Interstate Agreement on Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.

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

E. Establish an Executive Committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the Executive Committee shall serve a term of 1 year. Members of the Executive Committee shall be entitled to one vote each. The Executive Committee shall have the power to act on behalf of the Interstate Commission, with the exception of

rulemaking, during periods when the Interstate Commission is not in session. The Executive Committee shall oversee the day-to-day activities of the administration of the Compact, including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties as deemed necessary. The United States Department of Defense shall serve as an ex officio, nonvoting member of the executive committee.

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

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

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
2. Disclose matters specifically exempted from disclosure by federal and state statute;
3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
4. Involve accusing a person of a crime, or formally censuring a person;
5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. Disclose investigative records compiled for law enforcement purposes; or
7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

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

I. Collect standardized data concerning the educational transition of the children of military families under this Compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. The methods of data collection, exchange and reporting must, insofar as is reasonably possible, conform to current technology and coordinate information functions with the appropriate custodian of records as identified in the bylaws and rules.

J. Create a process that permits military officials, education officials and parents to inform the Interstate Commission of alleged violations of the Compact or its rules or when issues subject to the jurisdiction of the Compact or its rules are not addressed by the member state or a local education agency within a member state. Nothing in this section creates a private right of action against the Interstate Commission or any member state.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the power to:

- A. Provide for dispute resolution among the member states.
- B. Promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this Compact. The rules must have the force and effect of statutory law and be binding in the member states to the extent and in the manner provided in this Compact.
- C. Issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the Compact, its bylaws, rules and actions.
- D. Enforce compliance with the provisions of the Compact, the rules promulgated by the Interstate Commission and the bylaws, using all necessary and proper means, including, without limitation, the use of the judicial process.
- E. Establish and maintain offices which shall be located within one or more of the member states.
- F. Purchase and maintain insurance and bonds.
- G. Borrow, accept, hire or contract for services of personnel.
- H. Establish and appoint committees, including, without limitation, an Executive Committee as required by section E of Article IX of this Compact, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

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

J. Accept any and all donations and grants of money, equipment, supplies, materials and services, and to receive, use and dispose of them.

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

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

M. Establish a budget and make expenditures.

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

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

P. Coordinate education, training and public awareness regarding the Compact, its implementation and operation for officials and parents and legal guardians.

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

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

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

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

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, without limitation:

1. Establishing the fiscal year of the Interstate Commission;

2. Establishing an Executive Committee and such other committees as may be necessary;

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

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

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

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

7. Providing "start up" rules for initial administration of the Compact.

B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a Chairperson, a Vice Chairperson and a Treasurer, each of whom has the authority and duties as specified in the bylaws. The Chairperson or, in the Chairperson's absence or disability, the Vice Chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission. However, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. Executive Committee, Officers and Personnel

1. The Executive Committee shall have such authority and duties as set forth in the bylaws, including, without limitation:

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

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

c. Planning, implementing and coordinating communications and activities with other state, federal and local government organizations to advance the goals of the Interstate Commission.

2. The Executive Committee may, subject to the approval of the Interstate Commission, appoint or retain an Executive Director upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The Executive Director shall serve as Secretary to the Interstate Commission, but shall not be a member of the Interstate Commission. The Executive Director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

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

1. The liability of the Interstate Commission's Executive Director, an employee or a representative acting within the scope of such person's employment or duties for acts, errors or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees and agents. The Interstate Commission is considered to be an instrumentality of the member states for the purposes of any such action. Nothing in this subsection protects such person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct on the part of the person.

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

3. To the extent not covered by the state involved, member state or the Interstate Commission, a representative or employee of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such person arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of the person.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking Authority – Except as otherwise provided in this section, the Interstate Commission shall promulgate reasonable rules to effectively and efficiently achieve the purposes of this Compact. If the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Compact, or the powers granted hereunder, such an action by the Interstate Commission shall be deemed invalid and have no force or effect.

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

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

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

ARTICLE XIII

OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

A. Oversight

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

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

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

B. Default, Technical Assistance, Suspension and Termination

1. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact, the bylaws or the rules, the Interstate Commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state may cure its default.

b. Provide remedial training and specific technical assistance regarding the default.

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

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

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

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

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

C. Dispute Resolution

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

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

D. Enforcement

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

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

3. The remedies set forth herein must not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

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

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

C. The Interstate Commission shall not incur obligations of any kind before securing the funds adequate to meet the same and shall not pledge the credit of any of the member states, except by and with the authority of the member state.

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

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

B. Upon legislative enactment of the Compact into law by not less than 10 states, the Compact becomes effective and binding as to those states that have enacted the Compact. The Compact shall become effective and binding as to any other member state upon enactment of the Compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis before adoption of the Compact by all states.

C. The Interstate Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by each member state.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the Compact shall continue in force and remain binding upon each member state.

2. A member state may withdraw from the Compact by repealing the statute which enacted the Compact. Withdrawal from the Compact must not be effective less than 1 year after the effective date of repeal of the statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each member state.

3. The withdrawing state shall immediately notify the Chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days after its receipt thereof.

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

5. A state that has withdrawn from the Compact may be reinstated upon reenactment of the Compact by that state or a later date, as determined by the Interstate Commission.

B. Dissolution of Compact

1. The effectiveness of this Compact dissolves upon the date of the withdrawal or default of the member state which reduces the membership in the Compact to one member state.

2. Upon dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect. The business and affairs of the Interstate Commission must be concluded and surplus funds must be distributed in accordance with the bylaws.

ARTICLE XVII

SEVERABILITY AND CONSTRUCTION

A. The provisions of this Compact are severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact remain enforceable.

B. The provisions of this Compact must be liberally construed to effectuate its purposes.

C. Nothing in this Compact may be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws

1. Nothing herein prevents the enforcement of any other statute of a member state that is not inconsistent with this Compact.

2. The statutes of a member state which conflict with this Compact are superseded to the extent of the conflict.

B. Binding Effect of the Compact

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

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

3. In the event a provision of this Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision is not effective to the extent of the conflict with the Constitution in that member state.

(Added to NRS by [2009, 2598](#)) — (Substituted in revision for NRS 392C.010)

NRS 388F.020 State Council for the Coordination of the Compact; membership; terms; removal from office; vacancies; service without compensation.

1. In furtherance of the provisions contained in the Interstate Compact on Educational Opportunity for Military Children, there is hereby created a State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children, consisting of the following members:

(a) One representative of the Nevada National Guard, appointed by the Governor.

(b) One representative of each military installation in this State, appointed by the commanding officer of that military installation.

(c) The Superintendent of Public Instruction.

(d) The superintendent of each school district in which a military installation is located.

(e) One Legislator or other person appointed by the Legislative Commission to represent the interests of the Legislature.

(f) One person appointed by the Governor to represent the interests of the Governor.

2. A member of the State Council serves a term of 2 years and until his or her successor is appointed. A member may be reappointed.

3. A member of the State Council may be removed from office by the appointing authority at any time.

4. A vacancy on the State Council must be filled in the same manner as the original appointment.

5. The members of the State Council serve without compensation and are not entitled to any per diem or travel expenses.

(Added to NRS by [2009, 2614](#)) — (Substituted in revision for NRS 392C.020)

NRS 388F.030 Appointment of liaison to assist with implementation of Compact; service without compensation.

1. The State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children created pursuant to [NRS 388F.020](#) shall appoint a liaison to assist military families and the State in facilitating the implementation of the Interstate Compact on Educational Opportunity for Military Children. The liaison shall carry out the duties set forth in the Interstate Compact as may be required by the State Council.

2. The liaison appointed pursuant to this section may be a member of the State Council appointed pursuant to [NRS 388F.020](#) or any other person deemed appropriate by the State Council.

3. If the liaison appointed pursuant to this section is not a member of the State Council appointed pursuant to [NRS 388F.020](#), the liaison shall serve as an ex officio nonvoting member of the State Council.

4. The liaison appointed pursuant to this section serves without compensation and is not entitled to any per diem or travel expenses.

(Added to NRS by [2009, 2614](#)) — (Substituted in revision for NRS 392C.030)

NRS 388F.040 Appointment of Commissioner to administer participation of State in Compact; service without compensation.

1. The Governor shall appoint a Commissioner to administer and manage the participation of the State in the Interstate Compact on Educational Opportunity for Military Children.

2. The Commissioner shall serve at the pleasure of the Governor. The Commissioner shall:

(a) Carry out the duties set forth in the Interstate Compact as may be required by the State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children; and

(b) Cooperate with all departments, agencies and officers of and in the government of this State and its subdivisions in facilitating the proper administration of the Compact, any supplementary agreement thereto or agreements entered into by this State under the Interstate Compact.

3. The Commissioner appointed pursuant to this section may be a member of the State Council or any other person deemed appropriate by the Governor.

4. If the Commissioner appointed pursuant to this section is not a member of the State Council appointed pursuant to [NRS 388F.020](#), the Commissioner shall serve as an ex officio nonvoting member of the State Council.

5. If the Commissioner appointed pursuant to this section is not able to attend a meeting of the Interstate Commission, the Governor may appoint another person to attend the meeting on behalf of the State.

6. The Commissioner appointed pursuant to this section serves without compensation and is not entitled to any per diem or travel expenses.

(Added to NRS by [2009, 2615](#)) — (Substituted in revision for NRS 392C.040)

NRS 388F.050 Interstate Compact on Educational Opportunity for Military Children Account; creation; administration; uses.

1. Money to carry out the provisions of this chapter must be accounted for separately in the Interstate Compact on Educational Opportunity for Military Children Account which is hereby created.

2. The money in the Account may be used by the State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children created pursuant to [NRS 388F.020](#) to:

(a) Pay any assessments, obligations or fees to the Interstate Commission.

(b) To meet necessary administrative expenses of the State Council.

3. The Superintendent of Public Instruction shall administer the Account.

4. The Superintendent of Public Instruction may accept any gifts, grants or donations for deposit in the Account.

5. Nothing in this chapter requires the Department or the board of trustees of a school district to allocate money in addition to money available in the Account for the payment of expenses incurred pursuant to this chapter.

(Added to NRS by [2009, 2615](#)) — (Substituted in revision for NRS 392C.050)

NRS 388F.060 Responsibilities of state officers, bureaus, departments and other persons; cooperation with State Council.

1. All officers of the State are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of the Interstate Compact on Educational Opportunity for Military Children and to accomplish the purposes thereof.

2. All officers, bureaus, departments and persons of and in the State Government or administration of this State are hereby authorized and directed at convenient times and upon request of the State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children to furnish the State Council with information and data possessed by them and to aid the State Council by any means lying within their legal rights.

(Added to NRS by [2009, 2615](#)) — (Substituted in revision for NRS 392C.060)

NRS 388F.070 Responsibilities of superintendents of school districts to accommodate pupil who transfers because of military transfer of parent; cooperation with school districts of other states to assist certain pupils in receiving high school diploma.

1. The superintendent of a school district or the superintendent's designee shall, in accordance with [NRS 388F.010](#), make reasonable efforts to accommodate a pupil who transfers to a public school in the school district from a school inside or outside this State because of the military transfer of the parent or legal guardian of the pupil.

2. If the superintendent of a school district or the superintendent's designee is not able to grant a standard high school diploma to a pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil, the superintendent or the superintendent's designee shall work cooperatively with the local education agency in the state in which the pupil was previously enrolled to determine if the pupil is eligible to receive a diploma from that local education agency and, if the pupil is eligible, to facilitate receiving a high school diploma from that local education agency.

(Added to NRS by [2009, 2616](#)) — (Substituted in revision for NRS 392C.070)