

## Chapter 15E: INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

### Section 1: Definitions

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:--

"Active duty", 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. sections 1209 and 1211.

"Children of military families", a school-aged child, enrolled in kindergarten through grade 12, in the household of an active duty member.

"Compact commissioner", the voting representative of each compacting state appointed pursuant to section 7 of this compact.

"Deployment", the period 1 month prior to the service members' departure from the members' home station on military orders to 6 months after returning to the members' home station.

"Education records", those official records, files and data directly related to a student and maintained by the school or local education agency, including, but not limited to, 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 and results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs.

"Extracurricular activities", a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities.

"Interstate commission on educational opportunity for military children" or "interstate commission", the commission that is created under section 9 of this compact.

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

"Member state", a state that has enacted this compact.

"Military installation", a base, camp, post, station, yard, center, homeport facility for any ship or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several states, the District of Columbia, the commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other United States territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects or flood control projects.

"Non-member state", a state that has not enacted this compact.

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

"Rule", a written statement by the interstate commission promulgated under section 12 of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact or an organizational, procedural or practice requirement of the interstate commission and has the force and effect of statutory law in a member state, and includes the amendment, repeal or suspension of an existing rule.

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

"State", 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 United States territory.

"Student", the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through grade 12.

"Transition", the formal and physical process of transferring from school to school or the period of time in which a student moves from 1 school in the sending state to another school in the receiving state.

"Uniformed services", the Army, Navy, Air Force, Marine Corps, Coast Guard, including the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

"Veteran", a person who served in the uniformed services and who was discharged or released from service under conditions other than dishonorable.

## Section 2: Applicability

Section 2. (a) Except as otherwise provided in subsection (b), this compact shall apply to the children of:

- (1) active duty members of the uniformed services;
- (2) members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of 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) This interstate compact shall only apply to local education agencies.

(c) This compact shall not apply to the children of:

- (1) inactive members of the national guard and military reserves;
- (2) members of the uniformed services now retired, except as provided in subsection (a);
- (3) veterans of the uniformed services, except as provided in subsection (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.

## Section 3: Educational records and enrollment

Section 3. (a) If official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records, pending validation by the official records, as soon as possible.

(b) Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education records from the school in the sending state. Upon receipt of this request, the school in the sending state shall process and furnish the official education records to the school in the receiving state within 10 days or within the time as is reasonably determined under the rules promulgated by the interstate commission.

(c) Compacting states shall give 30 days from the date of enrollment or within the 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 shall be obtained within 30 days or within the time as is reasonably determined under the rules promulgated by the interstate commission.

(d) Students shall be allowed to continue enrollment at the grade level in the receiving state that is equal with the grade level from the 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 at the level validated by an accredited school in the sending state.

#### Section 4: Placement and attendance

Section 4. (a) When a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered and space is available. Course placement shall include, but not be limited to, 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. This shall not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

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

(c) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on: (i) the student's current individualized education program; (ii) the requirements of section 504 of the Rehabilitation Act, 29 U.S.C. section 794; and (iii) title II of the Americans with Disabilities Act, 42 U.S.C. sections 12131-12165. The receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or title II plan, to provide the student with equal access to education. This shall not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

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

(e) A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from or immediately returned from deployment to a combat zone or combat support posting, may be granted additional excused absences at the discretion of the local education agency superintendent to visit with that parent or legal guardian on leave or preparing for or returning from deployment.

#### Section 5: Eligibility

Section 5. (a) The following shall be required to be eligible for enrollment in the receiving state's school:

(1) special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient to enroll or take any other action requiring parental participation and consent under this compact;

(2) a local education agency shall not charge local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent; and

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

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

#### Section 6: Graduation

Section 6. (a) To facilitate the on-time graduation of children of military families, local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would otherwise qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

(b) To facilitate the on-time graduation of children of military families, receiving states may accept exit or end-of-course exams required for graduation from the sending state or national norm-referenced achievement tests or alternative testing, in lieu of testing requirements for graduation in the receiving state; require the student to take scheduled exit test in the receiving state, if the student is able to take the tests prior to the end of grade 12; or accept evidence or information from the sending or receiving district that demonstrates that the student has met the receiving state's graduation standard, either through a transcript of courses taken and grades received from the sending and or receiving district; a portfolio of work samples for the student that addresses the required high school standards; standardized norm-referenced test results in the subject required by the receiving state for graduation; or other relevant information.

(c) To facilitate the on-time graduation of children of military families, should a military student transferring at the beginning or during grade 12 be ineligible to graduate from the receiving local education agency after all alternatives in subsection (b) have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. In the event that either the transferring or receiving state is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student under subsections (a) and (b).

#### Section 7: State coordination

Section 7. (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, the membership shall include at least: (i) the state secretary of education; (ii) a superintendent of a school district with a high concentration of military children; (iii) a representative from a military installation; (iv) 1 representative from the legislature; (v) 1 representative from the executive branch; and (vi) other offices and stakeholder groups that the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

(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) The 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 under this compact shall be ex-officio members of the state council, unless either is already a full voting member of the state council.

#### Section 8: Interstate commission on educational opportunity for military children

Section 8. The compacting states hereby create the interstate commission on educational opportunity for military children. The activities of the interstate commission are the formation of public policy and are a discretionary state function. 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 in this compact and additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states under the terms of this compact;
- (b) consist of 1 interstate commission voting representative from each member state who shall be that state's compact commissioner;
- (c) entitle each member state represented at a meeting of the interstate commission to 1 vote;
- (d) require a majority of the total member states to constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the interstate commission;
- (e) prohibit the delegation of a vote from 1 member state to another member state; provided, however, that 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;
- (f) allow the by-laws to provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication;
- (g) consist of ex-officio, non-voting representatives who are members of interested organizations, as defined in the by-laws, which may include, but shall not be limited to, 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 the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members;
- (h) meet at least once each calendar year, provided, that the chairperson may call additional meetings and upon the request of a simple majority of the member states, shall call additional meetings;
- (i) 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 by-laws; provided, that members of the executive committee shall serve a 1-year term and shall be entitled to 1 vote each; provided, further, that 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; provided further, that the executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the compact, its by-laws and rules and other such duties as deemed necessary; and provided further that the United States Department of Defense shall serve as an ex-officio, non-voting member of the executive committee;
- (j) establish by-laws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying; provided, that the interstate commission may exempt from disclosure the information or the official records that would adversely affect personal privacy rights or proprietary interests;

(k) 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; provided, that the interstate commission and its committees may close a meeting, or a portion of a meeting, when the commission or committee determines by a two-thirds vote that an open meeting would likely:

- (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 an unwarranted invasion of personal privacy;
- (6) disclose investigative records compiled for law enforcement purposes; or
- (7) relate specifically to the interstate commission's participation in a civil action or other legal proceeding;

(l) 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 under this clause; provided, that the interstate commission shall keep minutes which shall clearly describe all matters discussed in a meeting and shall provide an accurate summary of actions taken and the reasons for those actions, including a description of the views expressed and the record of a roll call vote; provided further, that all documents considered in connection with an action shall be identified in the minutes; and provided further, that all minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;

(m) collect standardized data concerning the educational transition of the children of military, National Guard or Reserve families under this compact, as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements; provided, that such methods of data collection, exchange and reporting shall, as much as reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the by-laws and rules; and

(n) create a process that permits military officials, education officials and parents to inform the interstate commission of alleged violations of the compact, its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency; provided, that this section shall not be construed to create a private right of action against the interstate commission or any member state.

#### Section 9: Powers and duties of the interstate commission

Section 9. The interstate commission may:

- (a) provide for dispute resolution among member states;
- (b) issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its by-laws, rules and actions;

- (c) enforce compliance with the compact provisions and the rules promulgated by the interstate commission and in the by-laws through the use of all necessary and proper means, including, but not limited to, the use of the judicial process;
- (d) establish and maintain offices, which shall be located within 1 or more of the member states;
- (e) purchase and maintain insurance and bonds;
- (f) borrow, accept, hire or contract for services or personnel;
- (g) establish and appoint committees including, but not limited to, an executive committee as required by paragraph 9 of subsection (a) of section 8;
- (h) elect or appoint officers, attorneys, employees, agents or consultants and fix the compensation, define the duties and determine the qualifications for those positions;
- (i) 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, utilize and dispose of it;
- (k) lease, purchase, own, hold, improve, use or accept contributions of or donations of any property, real, personal or mixed;
- (l) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;
- (m) establish a budget and make expenditures;
- (n) adopt a seal and by-laws 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 and the reports shall include recommendations that may have been adopted by the interstate commission;
- (p) coordinate education, training and public awareness regarding this compact and its implementation and operation for officials and parents or guardians impacted by this compact;
- (q) establish uniform standards for the reporting, collecting and exchanging of data;
- (r) maintain corporate books and records in accordance with the by-laws;
- (s) perform the functions necessary or appropriate to achieve the purposes of this compact; and
- (t) provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

#### Section 10: Organization and operation of the interstate commission

Section 10. (a) The interstate commission shall, by a majority vote of the members present and voting and within 12 months after the first interstate commission meeting, adopt by-laws to govern the



conduct that is necessary or appropriate to carry out the purposes of this compact, which shall include, but not be limited to:

- (1) establishing the fiscal year of the interstate commission;
- (2) establishing an executive committee and 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 meeting;
- (5) establishing the titles and responsibilities of the officers and staff of the interstate commission;
- (6) providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of this 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 shall have the authority and duties specified in the by-laws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission. The elected officers shall serve without compensation or remuneration from the interstate commission; provided, that subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

(c) The executive committee shall have such authority and duties as may be set forth in the by-laws, including, but not limited to: (i) managing the affairs of the interstate commission in a manner consistent with the by-laws and purposes of the interstate commission; (ii) overseeing an organizational structure within the interstate commission and establishing appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures and administrative and technical support functions; and (iii) planning, implementing and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the interstate commission.

(d) The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for a period, during which the terms, conditions and compensation shall be set by the interstate commission. 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 other personnel when authorized by the interstate commission.

(e) The interstate commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property, personal injury or other civil liability caused by, arising out of or relating to an actual or alleged act, error or omission that occurred, or that the person had a reasonable basis for believing occurred, within the

scope of interstate commission employment, duties or responsibilities; provided, that the interstate commission's executive director and employees shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(f) The liability of the interstate commission's executive director, employees or representatives for acts, errors or omissions that occur while acting within the scope of employment and within the 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 states for the purposes of any such action. Nothing in this subsection shall be construed to protect the person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(g) The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission, shall defend interstate commission representatives 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, however, that the actual or alleged act error or omission did not result from intentional or willful and wanton misconduct on the part of such person.

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

#### Section 11: Rulemaking functions of the interstate commission

Section 11. (a) The interstate commission shall promulgate reasonable rules in order to effectively achieve the purposes of this compact. In the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope or the powers granted in this act, then that action by the interstate commission shall be invalid and have no force or effect.

(b) Rules shall be made pursuant to a rulemaking process that shall substantially, or as much as possible, conform with the Model State Administrative Procedure Act of 1981, uniform laws annotated, vol. 15, p.1 (2000) as amended.

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

(d) If a majority of the legislatures of the compacting states reject a rule by enactment of a statute or resolution, then such rule shall have no further force and effect in any compacting state.

#### Section 12: Oversight, enforcement and dispute resolution

Section 12. (a) 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.

(b) 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.

(c) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, the by-laws or the promulgated rules, the interstate commission shall:

(1) provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the interstate commission; provided, that the interstate commission shall specify the conditions by which the defaulting state must cure its default;

(2) provide remedial training and specific technical assistance regarding the default; and

(3) terminate a defaulting state from the compact if the defaulting state fails to cure the default and upon an affirmative vote of a majority of the member states, all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination; provided that a cure of the default shall not relieve the offending state of obligations or liabilities incurred during the period of the default.

(d) Suspension or termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor and the majority and minority leaders of the defaulting state's legislature and each of the member states.

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

(f) 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.

(g) 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 non-member states. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(h) The interstate commission, in the reasonable exercise of its discretion, shall enforce this compact.

(i) The remedies in this section shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

#### Section 13: Financing of the interstate commission

Section 13. (a) The interstate commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

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

(c) The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet that obligation; nor shall the interstate commission 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 shall be subject to the audit and accounting procedures established under its by-laws. All receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

#### Section 14: Member states, effective date and amendment

Section 14. (a) Any state shall be eligible to become a member state.

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

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

#### Section 15: Withdrawal from compact

Section 15. (a) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided, that a member state may withdraw from the compact by specifically repealing the statute that enacted the compact into law.

(b) Withdrawal from this compact shall be by the enactment of a statute repealing this compact, but shall not take effect until 1 year after the effective date of such statute.

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

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

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

#### Section 16: Dissolution of compact

Section 16. (a) This compact shall dissolve upon the date of the withdrawal or default of the member state which reduces the membership in the compact to 1 member state.

(b) Upon the dissolution of this compact, the compact shall become null and void and shall be of no further force or effect. The business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the by-laws.

#### Section 17: Severability and construction

Section 17. (a) This compact shall be severable and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) This compact shall be liberally construed to effectuate its purposes.

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

#### Section 18: Enforcement of other laws

Section 18. (a) Nothing in this compact shall 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.

#### Section 19: Binding effect of the compact

Section 19. (a) All lawful actions of the interstate commission, including all rules and by-laws promulgated by the interstate commission, shall be binding upon the member states.

(b) All agreements between the interstate commission and the member states shall be binding in accordance with the terms of the agreement.

(c) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision of that member state.