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**Sub. H. B. No. 165**

**Representative Ujvagi**

**Cosponsors: Representatives Weddington, Evans, Pryor, Chandler, Harris, Williams, B., Okey, Yuko, Dodd, Hagan, Heard, Skindell, Domenick, Letson, Williams, S., Boyd, Winburn, Luckie, DeBose, Driehaus, Garland, Gerberry, Lundy, Moran, Phillips, Stebelton, Adams, R., Baker, Hite, Huffman, Lehner, Martin, Morgan, Oelslager, Wagner, Adams, J., Amstutz, Bacon, Balderson, Batchelder, Belcher, Blessing, Bolon, Book, Boose, Bulp, Carney, Celeste, Combs, Daniels, DeGeeter, Dolan, Dyer, Fende, Foley, Gardner, Garrison, Goodwin, Goyal, Grossman, Hackett, Hall, Harwood, Hottinger, Jones, Koziura, Maag, Mallory, Mandel, McGregor, Mecklenborg, Murray, Newcomb, Patten, Pillich, Sayre, Schneider, Sears, Slesnick, Snitchler, Stautberg, Stewart, Szollosi, Uecker, Yates, Zehringer**

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**A B I L L**

To enact sections 3301.60, 3301.61, 3301.62, 3301.63, 1  
and 3301.64 of the Revised Code to ratify the 2  
Interstate Compact on Educational Opportunity for 3  
Military Children and to establish the State 4  
Council on Educational Opportunity for Military 5  
Children and other offices to implement the 6  
state's participation in the compact. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3301.60, 3301.61, 3301.62, 3301.63, 8  
and 3301.64 of the Revised Code be enacted to read as follows: 9

Sec. 3301.60. The interstate compact on educational opportunity for military children is hereby ratified, enacted into law, and entered into by this state as a party thereto with any other state that heretofore has legally joined or hereafter legally joins the compact, as follows:

Interstate Compact on Educational  
Opportunity for Military Children

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 education records from the previous school district or variations in entrance or 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 military children. 40  
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H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student. 42  
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ARTICLE II. DEFINITIONS 45

As used in this compact, unless the context clearly requires a different construction: 46  
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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. 48  
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B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member. 52  
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C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact. 55  
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D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station. 58  
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E. "Educational records" or "education records" means 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. 61  
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F. "Extracurricular activities" means a voluntary activity 70  
sponsored by the school or local education agency or an 71  
organization sanctioned by the local education agency. 72  
Extracurricular activities include, but are not limited to, 73  
preparation for and involvement in public performances, contests, 74  
athletic competitions, demonstrations, displays, and club 75  
activities. 76

G. "Interstate Commission on Educational Opportunity for 77  
Military Children" means the commission that is created under 78  
Article IX of this compact, which is generally referred to as 79  
Interstate Commission. 80

H. "Local education agency" means a public authority legally 81  
constituted by the state as an administrative agency to provide 82  
control of and direction for kindergarten through twelfth grade 83  
public educational institutions. 84

I. "Member state" means a state that has enacted this 85  
compact. 86

J. "Military installation" means a base, camp, post, station, 87  
yard, center, homeport facility for any ship, or other activity 88  
under the jurisdiction of the Department of Defense, including any 89  
leased facility, which is located within any of the several 90  
states, the District of Columbia, the Commonwealth of Puerto Rico, 91  
the U.S. Virgin Islands, Guam, American Samoa, the Northern 92  
Marianas Islands, and any other United States territory. Such term 93  
does not include any facility used primarily for civil works, 94  
rivers and harbors projects, or flood control projects. 95

K. "Nonmember state" means a state that has not enacted this 96  
compact. 97

L. "Receiving state" means the state to which a child of a 98  
military family is sent, brought, or caused to be sent or brought. 99

M. "Rule" means a written statement by the Interstate 100

Commission promulgated pursuant to Article XII of this compact 101  
that is of general applicability, implements, interprets, or 102  
prescribes a policy or provision of the compact, or an 103  
organizational, procedural, or practice requirement of the 104  
Interstate Commission, and has the force and effect of statutory 105  
law in a member state, and includes the amendment, repeal, or 106  
suspension of an existing rule. 107

N. "Sending state" means the state from which a child of a 108  
military family is sent, brought, or caused to be sent or brought. 109

O. "State" means a state of the United States, the District 110  
of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin 111  
Islands, Guam, American Samoa, the Northern Marianas Islands, and 112  
any other United States territory. 113

P. "Student" means the child of a military family for whom 114  
the local education agency receives public funding and who is 115  
formally enrolled in kindergarten through twelfth grade. 116

Q. "Transition" means 1) the formal and physical process of 117  
transferring from school to school or 2) the period of time in 118  
which a student moves from one school in the sending state to 119  
another school in the receiving state. 120

R. "Uniformed services" means the Army, Navy, Air Force, 121  
Marine Corps, and Coast Guard, as well as the Commissioned Corps 122  
of the National Oceanic and Atmospheric Administration and Public 123  
Health Service. 124

S. "Veteran" means a person who served in the uniformed 125  
services and who was discharged or released therefrom under 126  
conditions other than dishonorable. 127

ARTICLE III. APPLICABILITY 128

A. Except as otherwise provided in Section B, this compact 129  
shall apply to the children of: 130

<u>1. Active duty members of the uniformed services as defined</u>	131
<u>in this compact, including members of the national guard and</u>	132
<u>reserve on active duty orders pursuant to 10 U.S.C. 1209 and 1211;</u>	133
<u>2. Members or veterans of the uniformed services who are</u>	134
<u>severely injured and medically discharged or retired for a period</u>	135
<u>of one year after medical discharge or retirement; and</u>	136
<u>3. Members of the uniformed services who die on active duty</u>	137
<u>or as a result of injuries sustained on active duty for a period</u>	138
<u>of one year after death.</u>	139
<u>B. The provisions of this interstate compact shall only apply</u>	140
<u>to local education agencies as defined in this compact.</u>	141
<u>C. The provisions of this compact shall not apply to the</u>	142
<u>children of:</u>	143
<u>1. Inactive members of the national guard and military</u>	144
<u>reserves;</u>	145
<u>2. Members of the uniformed services now retired, except as</u>	146
<u>provided in Section A;</u>	147
<u>3. Veterans of the uniformed services, except as provided in</u>	148
<u>Section A; and</u>	149
<u>4. Other Department of Defense personnel and other federal</u>	150
<u>agency civilian and contract employees not defined as active duty</u>	151
<u>members of the uniformed services.</u>	152
<u>ARTICLE IV. EDUCATIONAL RECORDS AND ENROLLMENT</u>	153
<u>A. Unofficial or "hand-carried" education records - In the</u>	154
<u>event that official education records cannot be released to the</u>	155
<u>parents for the purpose of transfer, the custodian of the records</u>	156
<u>in the sending state shall prepare and furnish to the parent a</u>	157
<u>complete set of unofficial educational records containing uniform</u>	158
<u>information as determined by the Interstate Commission. Upon</u>	159
<u>receipt of the unofficial education records by a school in the</u>	160

receiving state, the school shall enroll and appropriately place 161  
the student based on the information provided in the unofficial 162  
records pending validation by the official records, as quickly as 163  
possible. 164

B. Official education records and transcripts - Simultaneous 165  
with the enrollment and conditional placement of the student, the 166  
school in the receiving state shall request the student's official 167  
education record from the school in the sending state. Upon 168  
receipt of this request, the school in the sending state will 169  
process and furnish the official education records to the school 170  
in the receiving state within ten days or within such time as is 171  
reasonably determined under the rules promulgated by the 172  
Interstate Commission. 173

C. Immunizations - Compacting states shall give thirty days 174  
from the date of enrollment or within such time as is reasonably 175  
determined under the rules promulgated by the Interstate 176  
Commission, for students to obtain any immunizations required by 177  
the receiving state. For a series of immunizations, initial 178  
vaccinations must be obtained within thirty days or within such 179  
time as is reasonably determined under the rules promulgated by 180  
the Interstate Commission. 181

D. Kindergarten and first grade entrance age - Students shall 182  
be allowed to continue their enrollment at grade level in the 183  
receiving state commensurate with their grade level (including 184  
kindergarten) from a local education agency in the sending state 185  
at the time of transition, regardless of age. A student that has 186  
satisfactorily completed the prerequisite grade level in the local 187  
education agency in the sending state shall be eligible for 188  
enrollment in the next highest grade level in the receiving state, 189  
regardless of age. A student transferring after the start of the 190  
school year in the receiving state shall enter the school in the 191  
receiving state on their validated level from an accredited school 192

in the sending state. 193

ARTICLE V. PLACEMENT AND ATTENDANCE 194

A. Course placement - When the student transfers before or 195  
during the school year, the receiving state school shall initially 196  
honor placement of the student in educational courses based on the 197  
student's enrollment in the sending state school or educational 198  
assessments conducted at the school in the sending state if the 199  
courses are offered. Course placement includes but is not limited 200  
to Honors, International Baccalaureate, Advanced Placement, 201  
vocational, technical, and career pathways courses. Continuing the 202  
student's academic program from the previous school and promoting 203  
placement in academically and career challenging courses should be 204  
paramount when considering placement. This does not preclude the 205  
school in the receiving state from performing subsequent 206  
evaluations to ensure appropriate placement and continued 207  
enrollment of the student in the courses. 208

B. Educational program placement - The receiving state school 209  
shall initially honor placement of the student in educational 210  
programs based on current educational assessments conducted at the 211  
school in the sending state or participation/placement in like 212  
programs in the sending state. Such programs include, but are not 213  
limited to: 1) gifted and talented programs; and 2) English as a 214  
second language. This does not preclude the school in the 215  
receiving state from performing subsequent evaluations to ensure 216  
appropriate placement of the student. 217

C. Special education services - 1) In compliance with the 218  
federal requirements of the Individuals with Disabilities 219  
Education Act (IDEA), 20 U.S.C. 1400 et seq., the receiving state 220  
shall initially provide comparable services to a student with 221  
disabilities based on the student's current individualized 222  
education program (IEP); and 2) in compliance with the 223  
requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. 224

794, and with Title II of the Americans with Disabilities Act, 42 225  
U.S.C. 12131 to 12165, the receiving state shall make reasonable 226  
accommodations and modifications to address the needs of incoming 227  
students with disabilities, subject to an existing Section 504 or 228  
Title II Plan, to provide the student with equal access to 229  
education. This does not preclude the school in the receiving 230  
state from performing subsequent evaluations to ensure appropriate 231  
placement of the student. 232

D. Placement flexibility - Local education agency 233  
administrative officials shall have flexibility in waiving course 234  
or program prerequisites, or other preconditions for placement in 235  
courses or programs offered under the jurisdiction of the local 236  
education agency. 237

E. Absence as related to deployment activities - A student 238  
whose parent or legal guardian is an active duty member of the 239  
uniformed services, as defined by the compact, and has been called 240  
to duty for, is on leave from, or immediately returned from 241  
deployment to a combat zone or combat support posting, shall be 242  
granted additional excused absences at the discretion of the local 243  
education agency superintendent to visit with the student's parent 244  
or legal guardian relative to such leave or deployment of the 245  
parent or guardian. 246

ARTICLE VI. ELIGIBILITY 247

A. Eligibility for enrollment 248

1. A special power of attorney, relative to the guardianship 249  
of a child of a military family and executed under applicable law 250  
shall be sufficient for the purposes of enrollment and all other 251  
actions requiring parental participation and consent. 252

2. A local education agency shall be prohibited from charging 253  
local tuition to a transitioning military child placed in the care 254  
of a noncustodial parent or other person standing in loco parentis 255

who lives in a jurisdiction other than that of the custodial 256  
parent. 257

3. A transitioning military child, placed in the care of a 258  
noncustodial parent or other person standing in loco parentis who 259  
lives in a jurisdiction other than that of the custodial parent, 260  
may continue to attend the school in which the child was enrolled 261  
while residing with the custodial parent. 262

B. Eligibility for extracurricular participation - State and 263  
local education agencies shall facilitate the opportunity for 264  
transitioning military children's inclusion in extracurricular 265  
activities, regardless of application deadlines, to the extent 266  
they are otherwise qualified. 267

ARTICLE VII. GRADUATION 268

In order to facilitate the on-time graduation of children of 269  
military families states and local education agencies shall 270  
incorporate the following procedures: 271

A. Waiver requirements - Local education agency 272  
administrative officials shall waive specific courses required for 273  
graduation if similar coursework has been satisfactorily completed 274  
in another local education agency or shall provide reasonable 275  
justification for denial. Should a waiver not be granted to a 276  
student who would qualify to graduate from the sending school, the 277  
local education agency shall provide an alternative means of 278  
acquiring required coursework so that graduation may occur on 279  
time. 280

B. Exit exams - States shall accept: 1) exit or end-of-course 281  
exams required for graduation from the sending state; or 2) 282  
national norm-referenced achievement tests; or 3) alternative 283  
testing, in lieu of testing requirements for graduation in the 284  
receiving state. In the event the above alternatives cannot be 285  
accommodated by the receiving state for a student transferring in 286

his or her Senior year, then the provisions of Article VII, 287  
Section C shall apply. 288

C. Transfers during Senior year - Should a military student 289  
transferring at the beginning or during the student's Senior year 290  
be ineligible to graduate from the receiving local education 291  
agency after all alternatives have been considered, the sending 292  
and receiving local education agencies shall ensure the receipt of 293  
a diploma from the sending local education agency, if the student 294  
meets the graduation requirements of the sending local education 295  
agency. In the event that one of the states in question is not a 296  
member of this compact, the member state shall use best efforts to 297  
facilitate the on-time graduation of the student in accordance 298  
with Sections A and B of this Article. 299

ARTICLE VIII. STATE COORDINATION 300

A. Each member state shall, through the creation of a state 301  
council or use of an existing body or board, provide for the 302  
coordination among its agencies of government, local education 303  
agencies and military installations concerning the state's 304  
participation in, and compliance with, this compact and Interstate 305  
Commission activities. While each member state may determine the 306  
membership of its own state council, its membership must include 307  
at least: the state superintendent of education, superintendent of 308  
a school district with a high concentration of military children, 309  
representative from a military installation, one representative 310  
each from the legislative and executive branches of government, 311  
and other offices and stakeholder groups the state council deems 312  
appropriate. A member state that does not have a school district 313  
deemed to contain a high concentration of military children may 314  
appoint a superintendent from another school district to represent 315  
local education agencies on the state council. 316

B. The state council of each member state shall appoint or 317  
designate a military family education liaison to assist military 318

families and the state in facilitating the implementation of this compact. 319  
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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. 321  
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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. 325  
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ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN 329  
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The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall: 331  
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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. 336  
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B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner. 342  
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1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote. 345  
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2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is 347  
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required by the bylaws of the Interstate Commission. 349

3. A representative shall not delegate a vote to another 350  
member state. In the event the compact commissioner is unable to 351  
attend a meeting of the Interstate Commission, the governor or 352  
state council may delegate voting authority to another person from 353  
their state for a specified meeting. 354

4. The bylaws may provide for meetings of the Interstate 355  
Commission to be conducted by telecommunication or electronic 356  
communication. 357

C. Consist of ex officio, nonvoting representatives who are 358  
members of interested organizations. Such ex officio members, as 359  
defined in the bylaws, may include but not be limited to, members 360  
of the representative organizations of military family advocates, 361  
local education agency officials, parent and teacher groups, the 362  
Department of Defense, the Education Commission of the States, the 363  
Interstate Agreement on the Qualification of Educational Personnel 364  
and other interstate compacts affecting the education of children 365  
of military members. 366

D. Meet at least once each calendar year. The chairperson may 367  
call additional meetings and, upon the request of a simple 368  
majority of the member states, shall call additional meetings. 369

E. Establish an executive committee, whose members shall 370  
include the officers of the Interstate Commission and such other 371  
members of the Interstate Commission as determined by the bylaws. 372  
Members of the executive committee shall serve a one year term. 373  
Members of the executive committee shall be entitled to one vote 374  
each. The executive committee shall have the power to act on 375  
behalf of the Interstate Commission, with the exception of 376  
rulemaking, during periods when the Interstate Commission is not 377  
in session. The executive committee shall oversee the day-to-day 378  
activities of the administration of the compact including 379

enforcement and compliance with the provisions of the compact, its 380  
bylaws and rules, and other such duties as deemed necessary. The 381  
Department of Defense, shall serve as an ex officio, nonvoting 382  
member of the executive committee. 383

F. Establish bylaws and rules that provide for conditions and 384  
procedures under which the Interstate Commission shall make its 385  
information and official records available to the public for 386  
inspection or copying. The Interstate Commission may exempt from 387  
disclosure information or official records to the extent they 388  
would adversely affect personal privacy rights or proprietary 389  
interests. 390

G. Give public notice of all meetings and all meetings shall 391  
be open to the public, except as set forth in the rules or as 392  
otherwise provided in the compact. The Interstate Commission and 393  
its committees may close a meeting, or portion thereof, where it 394  
determines by two-thirds vote that an open meeting would be likely 395  
to: 396

1. Relate solely to the Interstate Commission's internal 397  
personnel practices and procedures; 398

2. Disclose matters specifically exempted from disclosure by 399  
federal and state statute; 400

3. Disclose trade secrets or commercial or financial 401  
information which is privileged or confidential; 402

4. Involve accusing a person of a crime, or formally 403  
censuring a person; 404

5. Disclose information of a personal nature where disclosure 405  
would constitute a clearly unwarranted invasion of personal 406  
privacy; 407

6. Disclose investigative records compiled for law 408  
enforcement purposes; or 409

7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding. 410  
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H. Shall 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 shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission. 412  
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I. Shall 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. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules. 424  
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J. Shall create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state. 433  
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ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION 441

<u>The Interstate Commission shall have the following powers:</u>	442
<u>A. To provide for dispute resolution among member states.</u>	443
<u>B. To promulgate rules and take all necessary actions to</u>	444
<u>effect the goals, purposes, and obligations as enumerated in this</u>	445
<u>compact. The rules shall have the force and effect of statutory</u>	446
<u>law and shall be binding in the compact states to the extent and</u>	447
<u>in the manner provided in this compact.</u>	448
<u>C. To issue, upon request of a member state, advisory</u>	449
<u>opinions concerning the meaning or interpretation of the</u>	450
<u>interstate compact, its bylaws, rules, and actions.</u>	451
<u>D. To enforce compliance with the compact provisions, the</u>	452
<u>rules promulgated by the Interstate Commission, and the bylaws,</u>	453
<u>using all necessary and proper means, including but not limited to</u>	454
<u>the use of judicial process.</u>	455
<u>E. To establish and maintain offices which shall be located</u>	456
<u>within one or more of the member states.</u>	457
<u>F. To purchase and maintain insurance and bonds.</u>	458
<u>G. To borrow, accept, hire, or contract for services of</u>	459
<u>personnel.</u>	460
<u>H. To establish and appoint committees including, but not</u>	461
<u>limited to, an executive committee as required by Article IX,</u>	462
<u>Section E, which shall have the power to act on behalf of the</u>	463
<u>Interstate Commission in carrying out its powers and duties</u>	464
<u>hereunder.</u>	465
<u>I. To elect or appoint such officers, attorneys, employees,</u>	466
<u>agents, or consultants, and to fix their compensation, define</u>	467
<u>their duties and determine their qualifications; and to establish</u>	468
<u>the Interstate Commission's personnel policies and programs</u>	469
<u>relating to conflicts of interest, rates of compensation, and</u>	470
<u>qualifications of personnel.</u>	471

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it. 472  
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K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed. 475  
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L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed. 478  
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M. To establish a budget and make expenditures. 481

N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission. 482  
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O. To 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 shall also include any recommendations that may have been adopted by the Interstate Commission. 484  
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P. To coordinate education, training, and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity. 489  
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Q. To establish uniform standards for the reporting, collecting and exchanging of data. 492  
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R. To maintain corporate books and records in accordance with the bylaws. 494  
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S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact. 496  
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T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact. 498  
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ARTICLE XI. ORGANIZATION AND OPERATION OF THE INTERSTATE 501

<u>COMMISSION</u>	502
<u>A. The Interstate Commission shall, by a majority of the</u>	503
<u>members present and voting, within twelve months after the first</u>	504
<u>Interstate Commission meeting, adopt bylaws to govern its conduct</u>	505
<u>as may be necessary or appropriate to carry out the purposes of</u>	506
<u>the compact, including, but not limited to:</u>	507
<u>1. Establishing the fiscal year of the Interstate Commission;</u>	508
<u>2. Establishing an executive committee, and such other</u>	509
<u>committees as may be necessary;</u>	510
<u>3. Providing for the establishment of committees and for</u>	511
<u>governing any general or specific delegation of authority or</u>	512
<u>function of the Interstate Commission;</u>	513
<u>4. Providing reasonable procedures for calling and conducting</u>	514
<u>meetings of the Interstate Commission, and ensuring reasonable</u>	515
<u>notice of each such meeting;</u>	516
<u>5. Establishing the titles and responsibilities of the</u>	517
<u>officers and staff of the Interstate Commission;</u>	518
<u>6. Providing a mechanism for concluding the operations of the</u>	519
<u>Interstate Commission and the return of surplus funds that may</u>	520
<u>exist upon the termination of the compact after the payment and</u>	521
<u>reserving of all of its debts and obligations.</u>	522
<u>7. Providing "start up" rules for initial administration of</u>	523
<u>the compact.</u>	524
<u>B. The Interstate Commission shall, by a majority of the</u>	525
<u>members, elect annually from among its members a chairperson, a</u>	526
<u>vice-chairperson, and a treasurer, each of whom shall have such</u>	527
<u>authority and duties as may be specified in the bylaws. The</u>	528
<u>chairperson or, in the chairperson's absence or disability, the</u>	529
<u>vice-chairperson, shall preside at all meetings of the Interstate</u>	530
<u>Commission. The officers so elected shall serve without</u>	531

compensation or remuneration from the Interstate Commission; 532  
provided that, subject to the availability of budgeted funds, the 533  
officers shall be reimbursed for ordinary and necessary costs and 534  
expenses incurred by them in the performance of their 535  
responsibilities as officers of the Interstate Commission. 536

C. Executive Committee, Officers, and Personnel 537

1. The executive committee shall have such authority and 538  
duties as may be set forth in the bylaws, including but not 539  
limited to: 540

a. Managing the affairs of the Interstate Commission in a 541  
manner consistent with the bylaws and purposes of the Interstate 542  
Commission; 543

b. Overseeing an organizational structure within, and 544  
appropriate procedures for the Interstate Commission to provide 545  
for the creation of rules, operating procedures, and 546  
administrative and technical support functions; and 547

c. Planning, implementing, and coordinating communications 548  
and activities with other state, federal, and local government 549  
organizations in order to advance the goals of the Interstate 550  
Commission. 551

2. The executive committee may, subject to the approval of 552  
the Interstate Commission, appoint or retain an executive director 553  
for such period, upon such terms and conditions and for such 554  
compensation, as the Interstate Commission may deem appropriate. 555  
The executive director shall serve as secretary to the Interstate 556  
Commission, but shall not be a Member of the Interstate 557  
Commission. The executive director shall hire and supervise such 558  
other persons as may be authorized by the Interstate Commission. 559

D. The Interstate Commission's executive director and its 560  
employees shall be immune from suit and liability, either 561  
personally or in their official capacity, for a claim for damage 562

to or loss of property or personal injury or other civil liability 563  
caused or arising out of or relating to an actual or alleged act, 564  
error, or omission that occurred, or that such person had a 565  
reasonable basis for believing occurred, within the scope of 566  
Interstate Commission employment, duties, or responsibilities; 567  
provided, that such person shall not be protected from suit or 568  
liability for damage, loss, injury, or liability caused by the 569  
intentional or willful and wanton misconduct of such person. 570

1. The liability of the Interstate Commission's executive 571  
director and employees or Interstate Commission representatives, 572  
acting within the scope of such person's employment or duties for 573  
acts, errors, or omissions occurring within such person's state 574  
may not exceed the limits of liability set forth under the 575  
Constitution and laws of that state for state officials, 576  
employees, and agents. The Interstate Commission is considered to 577  
be an instrumentality of the states for the purposes of any such 578  
action. Nothing in this subsection shall be construed to protect 579  
such person from suit or liability for damage, loss, injury, or 580  
liability caused by the intentional or willful and wanton 581  
misconduct of such person. 582

2. The Interstate Commission shall defend the executive 583  
director and its employees and, subject to the approval of the 584  
Attorney General or other appropriate legal counsel of the member 585  
state represented by an Interstate Commission representative, 586  
shall defend such Interstate Commission representative in any 587  
civil action seeking to impose liability arising out of an actual 588  
or alleged act, error or omission that occurred within the scope 589  
of Interstate Commission employment, duties or responsibilities, 590  
or that the defendant had a reasonable basis for believing 591  
occurred within the scope of Interstate Commission employment, 592  
duties, or responsibilities, provided that the actual or alleged 593  
act, error, or omission did not result from intentional or willful 594

and wanton misconduct on the part of such person. 595

3. To the extent not covered by the state involved, member 596  
state, or the Interstate Commission, the representatives or 597  
employees of the Interstate Commission shall be held harmless in 598  
the amount of a settlement or judgment, including attorney's fees 599  
and costs, obtained against such persons arising out of an actual 600  
or alleged act, error, or omission that occurred within the scope 601  
of Interstate Commission employment, duties, or responsibilities, 602  
or that such persons had a reasonable basis for believing occurred 603  
within the scope of Interstate Commission employment, duties, or 604  
responsibilities, provided that the actual or alleged act, error, 605  
or omission did not result from intentional or willful and wanton 606  
misconduct on the part of such persons. 607

ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE 608  
COMMISSION 609

A. Rulemaking Authority - The Interstate Commission shall 610  
promulgate reasonable rules in order to effectively and 611  
efficiently achieve the purposes of this compact. Notwithstanding 612  
the foregoing, in the event the Interstate Commission exercises 613  
its rulemaking authority in a manner that is beyond the scope of 614  
the purposes of this act, or the powers granted hereunder, then 615  
such an action by the Interstate Commission shall be invalid and 616  
have no force or effect. 617

B. Rulemaking Procedure - Rules shall be made pursuant to a 618  
rulemaking process that substantially conforms to the "Model State 619  
Administrative Procedure Act," of 1981 Act, Uniform Laws 620  
Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate 621  
to the operations of the Interstate Commission. 622

C. Not later than thirty days after a rule is promulgated, 623  
any person may file a petition for judicial review of the rule; 624  
provided, that the filing of such a petition shall not stay or 625

otherwise prevent the rule from becoming effective unless the 626  
court finds that the petitioner has a substantial likelihood of 627  
success. The court shall give deference to the actions of the 628  
Interstate Commission consistent with applicable law and shall not 629  
find the rule to be unlawful if the rule represents a reasonable 630  
exercise of the Interstate Commission's authority. 631

D. If a majority of the legislatures of the compacting states 632  
rejects a rule by enactment of a statute or resolution in the same 633  
manner used to adopt the compact, then such rule shall have no 634  
further force and effect in any compacting state. 635

ARTICLE XIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION 636

A. Oversight 637

1. The executive, legislative, and judicial branches of state 638  
government in each member state shall enforce this compact and 639  
shall take all actions necessary and appropriate to effectuate the 640  
compact's purposes and intent. The provisions of this compact and 641  
the rules promulgated hereunder shall have standing as statutory 642  
law. 643

2. All courts shall take judicial notice of the compact and 644  
the rules in any judicial or administrative proceeding in a member 645  
state pertaining to the subject matter of this compact which may 646  
affect the powers, responsibilities or actions of the Interstate 647  
Commission. 648

3. The Interstate Commission shall be entitled to receive all 649  
service of process in any such proceeding, and shall have standing 650  
to intervene in the proceeding for all purposes. Failure to 651  
provide service of process to the Interstate Commission shall 652  
render a judgment or order void as to the Interstate Commission, 653  
this compact or promulgated rules. 654

B. Default, Technical Assistance, Suspension, and Termination 655

- If the Interstate Commission determines that a member state has 656

defaulted in the performance of its obligations or 657  
responsibilities under this compact, or the bylaws or promulgated 658  
rules, the Interstate Commission shall: 659

1. Provide written notice to the defaulting state and other 660  
member states, of the nature of the default, the means of curing 661  
the default and any action taken by the Interstate Commission. The 662  
Interstate Commission shall specify the conditions by which the 663  
defaulting state must cure its default. 664

2. Provide remedial training and specific technical 665  
assistance regarding the default. 666

3. If the defaulting state fails to cure the default, the 667  
defaulting state shall be terminated from the compact upon an 668  
affirmative vote of a majority of the member states and all 669  
rights, privileges and benefits conferred by this compact shall be 670  
terminated from the effective date of termination. A cure of the 671  
default does not relieve the offending state of obligations or 672  
liabilities incurred during the period of the default. 673

4. Suspension or termination of membership in the compact 674  
shall be imposed only after all other means of securing compliance 675  
have been exhausted. Notice of intent to suspend or terminate 676  
shall be given by the Interstate Commission to the governor, the 677  
majority and minority leaders of the defaulting state's 678  
legislature, and each of the member states. 679

5. The state which has been suspended or terminated is 680  
responsible for all assessments, obligations and liabilities 681  
incurred through the effective date of suspension or termination 682  
including obligations, the performance of which extends beyond the 683  
effective date of suspension or termination. 684

6. The Interstate Commission shall not bear any costs 685  
relating to any state that has been found to be in default or 686  
which has been suspended or terminated from the compact, unless 687

otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state. 688  
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7. 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. 690  
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C. Dispute Resolution 696

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. 697  
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2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. 701  
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D. Enforcement 704

1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. 705  
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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. 708  
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3. The remedies herein shall not be the exclusive remedies of 719  
the Interstate Commission. The Interstate Commission may avail 720  
itself of any other remedies available under state law or the 721  
regulation of a profession. 722

ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION 723

A. The Interstate Commission shall pay, or provide for the 724  
payment of the reasonable expenses of its establishment, 725  
organization, and ongoing activities. 726

B. The Interstate Commission may levy on and collect an 727  
annual assessment from each member state to cover the cost of the 728  
operations and activities of the Interstate Commission and its 729  
staff which must be in a total amount sufficient to cover the 730  
Interstate Commission's annual budget as approved each year. The 731  
aggregate annual assessment amount shall be allocated based upon a 732  
formula to be determined by the Interstate Commission, which shall 733  
promulgate a rule binding upon all member states. 734

C. The Interstate Commission shall not incur obligations of 735  
any kind prior to securing the funds adequate to meet the same; 736  
nor shall the Interstate Commission pledge the credit of any of 737  
the member states, except by and with the authority of the member 738  
state. 739

D. The Interstate Commission shall keep accurate accounts of 740  
all receipts and disbursements. The receipts and disbursements of 741  
the Interstate Commission shall be subject to the audit and 742  
accounting procedures established under its bylaws. However, all 743  
receipts and disbursements of funds handled by the Interstate 744  
Commission shall be audited yearly by a certified or licensed 745  
public accountant and the report of the audit shall be included in 746  
and become part of the annual report of the Interstate Commission. 747

ARTICLE XV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT 748

A. Any state is eligible to become a member state. 749

B. The compact shall become effective and binding upon 750  
legislative enactment of the compact into law by no less than ten 751  
of the states. The effective date shall be no earlier than 752  
December 1, 2007. Thereafter it shall become effective and binding 753  
as to any other member state upon enactment of the compact into 754  
law by that state. The governors of nonmember states or their 755  
designees shall be invited to participate in the activities of the 756  
Interstate Commission on a nonvoting basis prior to adoption of 757  
the compact by all states. 758

C. The Interstate Commission may propose amendments to the 759  
compact for enactment by the member states. No amendment shall 760  
become effective and binding upon the Interstate Commission and 761  
the member states unless and until it is enacted into law by 762  
unanimous consent of the member states. 763

ARTICLE XVI. WITHDRAWAL AND DISSOLUTION 764

A. Withdrawal 765

1. Once effective, the compact shall continue in force and 766  
remain binding upon each and every member state; provided that a 767  
member state may withdraw from the compact by specifically 768  
repealing the statute, which enacted the compact into law. 769

2. Withdrawal from this compact shall be by the enactment of 770  
a statute repealing the same, but shall not take effect until one 771  
year after the effective date of such statute and until written 772  
notice of the withdrawal has been given by the withdrawing state 773  
to the Governor of each other member jurisdiction. 774

3. The withdrawing state shall immediately notify the 775  
chairperson of the Interstate Commission in writing upon the 776  
introduction of legislation repealing this compact in the 777  
withdrawing state. The Interstate Commission shall notify the 778  
other member states of the withdrawing state's intent to withdraw 779  
within sixty days of its receipt thereof. 780

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. 781  
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5. 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. 785  
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B. Dissolution of Compact 788

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state. 789  
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2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws. 792  
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ARTICLE XVII. SEVERABILITY AND CONSTRUCTION 797

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable. 798  
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B. The provisions of this compact shall be liberally construed to effectuate its purposes. 801  
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C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members. 803  
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ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS 806

A. Other Laws 807

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact. 808  
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2. All member states' laws conflicting with this compact are 810  
superseded to the extent of the conflict. 811

B. Binding Effect of the Compact 812

1. All lawful actions of the Interstate Commission, including 813  
all rules and bylaws promulgated by the Interstate Commission, are 814  
binding upon the member states. 815

2. All agreements between the Interstate Commission and the 816  
member states are binding in accordance with their terms. 817

3. In the event any provision of this compact exceeds the 818  
constitutional limits imposed on the legislature of any member 819  
state, such provision shall be ineffective to the extent of the 820  
conflict with the constitutional provision in question in that 821  
member state. 822

Sec. 3301.61. (A) The state council on educational 823  
opportunity for military children is hereby established within the 824  
department of education. The council shall consist of the 825  
following members: 826

(1) The superintendent of public instruction or the 827  
superintendent's designee; 828

(2) The director of veterans services or the director's 829  
designee; 830

(3) The superintendent of a school district that has a high 831  
concentration of children of military families, appointed by the 832  
governor; 833

(4) A representative of a military installation located in 834  
this state, appointed by the governor; 835

(5) A representative of the governor's office, appointed by 836  
the governor; 837

(6) Four members of the general assembly, appointed as 838

<u>follows:</u>	839
<u>(a) One member of the house of representatives appointed by the speaker of the house of representatives;</u>	840 841
<u>(b) One member of the house of representatives appointed by the minority leader of the house of representatives;</u>	842 843
<u>(c) One member of the senate appointed by the president of the senate;</u>	844 845
<u>(d) One member of the senate appointed by the minority leader of the senate.</u>	846 847
<u>(7) The compact commissioner appointed under section 3301.62 of the Revised Code;</u>	848 849
<u>(8) The military family education liaison appointed under section 3301.63 of the Revised Code;</u>	850 851
<u>(9) Other members appointed in the manner prescribed by and seated at the discretion of the voting members of the council.</u>	852 853
<u>The members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner of the initial appointments.</u>	854 855 856
<u>The members appointed under divisions (A)(6) to (9) of this section shall be nonvoting members of the council.</u>	857 858
<u>The members of the council shall serve without compensation.</u>	859
<u>(B) The council shall oversee and provide coordination for the state's participation in and compliance with the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code.</u>	860 861 862 863
<u>(C) The department of education shall provide staff support for the council.</u>	864 865
<u>(D) Sections 101.82 to 101.87 of the Revised Code do not apply to the council.</u>	866 867

(E) As used in this section, "children of military families" and "military installation" have the same meanings as in Article II of the interstate compact on educational opportunity for military children. 868  
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Sec. 3301.62. The governor shall appoint a compact commissioner who shall be responsible for administering the state's participation in the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code. The compact commissioner shall be a state officer within the department of education and shall serve at the pleasure of the governor. 872  
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Sec. 3301.63. The state council on educational opportunity for military children, established under section 3301.61 of the Revised Code, shall appoint a military family education liaison to assist families and the state in implementing the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code. The department of education shall provide staff support for the military family education liaison. 879  
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Sec. 3301.64. The annual assessment charged to the state for participating in the interstate compact on educational opportunity for military children shall be divided equally between the department of education and the department of veterans services. 887  
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