

HOUSE BILL NO. 137

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES COGHILL, Dahlstrom, Harris

Introduced: 2/16/09

Referred: Education, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an interstate compact on educational opportunity for military**
2 **children; amending Rules 4 and 24, Alaska Rules of Civil Procedure; and providing for**
3 **an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 14 is amended by adding a new chapter to read:

6 **Chapter 34. Interstate Compact on Educational Opportunity for Military Children.**

7 **Sec. 14.34.010. Compact enacted.** The Interstate Compact on Educational
8 Opportunity for Military Children as contained in this section is enacted into law and
9 entered into on behalf of the state with all other states and jurisdictions legally joining
10 in it in a form substantially as follows:

11 INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR
12 MILITARY CHILDREN
13 ARTICLE I
14 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

(1) 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 one or more previous school districts or variations in entrance and age requirements;

(2) 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;

(3) facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

(4) facilitating the on-time graduation of children of military families;

(5) providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

(6) providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact;

(7) promoting coordination between this compact and other compacts affecting military children; and

(8) promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II

DEFINITIONS

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

(1) "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 under 10 U.S.C. 1209 and 1211;

(2) "children of military families" means one or more school-aged children, enrolled in kindergarten through 12th grade, in the household of an active duty

1 member;

2 (3) "compact commissioner" means the voting representative of each
3 compacting state appointed under art. VIII of this compact;

4 (4) "deployment" means the period one month before the service
5 member's departure from the member's home station on military orders through six
6 months after return to the member's home station;

7 (5) "education records or educational records" means those official
8 records, files, and data directly related to a student and maintained by the school or local
9 education agency, including but not limited to records encompassing all the material kept
10 in the student's cumulative folder such as general identifying data, records of attendance
11 and of academic work completed, records of achievement and results of evaluative tests,
12 health data, disciplinary status, test protocols, and individualized education programs;

13 (6) "extracurricular activities"

14 (A) means a voluntary activity sponsored by the school or local
15 education agency or an organization sanctioned by the local education agency;

16 (B) include, but are not limited to, preparation for and
17 involvement in public performances, contests, athletic competitions,
18 demonstrations, displays, and club activities;

19 (7) "Interstate Commission on Educational Opportunity for Military
20 Children" means the commission that is created under art. IX of this compact, which is
21 generally referred to as Interstate Commission;

22 (8) "local education agency" means a public authority legally constituted
23 by the state as an administrative agency to provide control of and direction for
24 kindergarten through 12th grade public educational institutions;

25 (9) "member state" means a state that has enacted this compact;

26 (10) "military installation"

27 (A) means a base, camp, post, station, yard, center, homeport
28 facility for any ship, or other activity under the jurisdiction of the Department of
29 Defense, including any leased facility, which is located within any of the several
30 States, District of Columbia, the Commonwealth of Puerto Rico, the United
31 States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands

1 and any other United States Territory;

2 (B) does not include any facility used primarily for civil works,
3 rivers and harbors projects, or flood control projects;

4 (11) "non-member state" means a state that has not enacted this compact;

5 (12) "receiving state" means the state to which a child of a military
6 family is sent, brought, or caused to be sent or brought;

7 (13) "rule"

8 (A) means a written statement by the Interstate Commission
9 promulgated under art. XII of this compact that is of general applicability,
10 implements, interprets, or prescribes a policy or provision of the Compact, or an
11 organizational, procedural, or practice requirement of the Interstate Commission,
12 and has the force and effect of statutory law in a member state;

13 (B) includes the amendment, repeal, or suspension of an existing
14 rule;

15 (14) "sending state" means the state from which a child of a military
16 family is sent, brought, or caused to be sent or brought;

17 (15) "state" means a state of the United States, the District of Columbia,
18 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American
19 Samoa, the Northern Marianas Islands, and any other United States Territory;

20 (16) "student" means the child of a military family for whom the local
21 education agency receives public funding and who is formally enrolled in kindergarten
22 through 12th grade;

23 (17) "transition"

24 (A) means the formal and physical process of transferring from
25 school to school;

26 (B) the period of time in which a student moves from one school
27 in the sending state to another school in the receiving state;

28 (18) "uniformed service" means the Army, Navy, Air Force, Marine
29 Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and
30 Atmospheric Administration, and Public Health Services;

31 (19) "veteran" means a person who served in the uniformed services

1 and who was discharged or released from the uniformed services under conditions
2 other than dishonorable.

ARTICLE III

APPLICABILITY

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

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

17 (c) The provisions of this compact shall not apply to the children of

18 (1) inactive members of the national guard and military reserves;

19 (2) members of the uniformed services now retired, except as provided
20 in sec. (a) of this article;

21 (3) veterans of the uniformed services, except as provided in sec. (a) of
22 this article; and

23 (4) other United States Department of Defense personnel and other
24 federal agency civilian and contract employees not defined as active duty members of
25 the uniformed services.

ARTICLE IV

EDUCATIONAL RECORDS AND ENROLLMENT

1 determined by the Interstate Commission. Upon receipt of the unofficial education
2 records by a school in the receiving state, the school shall enroll and appropriately
3 place the student based on the information provided in the unofficial records pending
4 validation by the official records, as quickly as possible.

ARTICLE V

PLACEMENT AND ATTENDANCE

(a) Course placement

(1) when the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational

1 courses based on the student's enrollment in the sending state school or educational
2 assessments or both conducted at the school in the sending state if the courses are
3 offered; course placement includes but is not limited to
4 (A) honors;
5 (B) international baccalaureate;
6 (C) advanced placement; and
7 (D) vocational, technical, and career pathways courses;
8 (2) continuing the student's academic program from the previous
9 school and promoting placement in academically and career challenging courses
10 should be paramount when considering placement; this does not preclude the school in
11 the receiving state from performing subsequent evaluations to ensure appropriate
12 placement and continued enrollment of the student in one or more courses.
13 (b) Educational program placement
14 (1) the receiving state school shall initially honor placement of the
15 student in educational programs based on current educational assessments conducted
16 at the school in the sending state or participation and placement in like programs in the
17 sending state; these programs include, but are not limited to
18 (A) gifted and talented programs; and
19 (B) English as a second language;
20 (2) this does not preclude the school in the receiving state from
21 performing subsequent evaluations to ensure appropriate placement of the student.
22 (c) Special education services
23 (1) in compliance with the federal requirements of the Individuals with
24 Disabilities Education Act, 20 U.S.C.A. 1400 et seq., the receiving state shall initially
25 provide comparable services to a student with disabilities based on the student's
26 current Individualized Education Program; and
27 (2) in compliance with the requirements of Section 504 of the
28 Rehabilitation Act, 29 U.S.C.A. 794, and with Title II of the Americans with
29 Disabilities Act, 42 U.S.C.A. 12131-12165, the receiving state shall make reasonable
30 accommodations and modifications to address the needs of incoming students with
31 disabilities, subject to an existing Section 504 of the Rehabilitation Act or Title II of

1 the Americans with Disabilities Act plan, to provide the student with equal access to
2 education; this does not preclude the school in the receiving state from performing
3 subsequent evaluations to ensure appropriate placement of the student.

ARTICLE VI

ELIGIBILITY

17 (a) Eligibility for enrollment

(b) Eligibility for extracurricular participation. State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion

1 in extracurricular activities, regardless of application deadlines, to the extent they are
2 otherwise qualified.

ARTICLE VII

GRADUATION

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

14 (2) Exit exams. States shall accept

15 (A) exit or end-of-course exams required for graduation from
16 the sending state;

(B) national norm-referenced achievement tests; or

18 (C) alternative testing, in lieu of testing requirements for
19 graduation in the receiving state.

(3) Other means. If the alternatives described in art. VII, secs. (1) and (2) cannot be accommodated by the receiving state for a student transferring in the student's senior year, then the provisions of art. VII, sec. (4) shall apply:

ARTICLE VIII

1 STATE COORDINATION
2

3 (a) Each member state shall, through the creation of a State Council or use of
4 an existing body or board, provide for the coordination among its agencies of
5 government, local education agencies, and military installations concerning the state's
6 participation in, and compliance with, this compact and Interstate Commission
7 activities. While each member state may determine the membership of its own State
8 Council, its membership must include at least

9 (1) the state superintendent of education;
10 (2) the superintendent of a school district with a high concentration of
11 military children;
12 (3) a representative from a military installation;
13 (4) one representative each from the legislative and executive branches
14 of government; and
15 (5) a representative from other offices and stakeholder groups that the
16 State Council considers appropriate.

17 (b) A member state that does not have a school district considered to contain a
18 high concentration of military children may appoint a superintendent from another
19 school district to represent local education agencies on the State Council.

20 (c) The State Council of each member state shall appoint or designate a
21 military family education liaison to assist military families and the state in facilitating
22 the implementation of this compact.

23 (d) The compact commissioner responsible for the administration and
24 management of the state's participation in the compact shall be appointed by the
25 governor or as otherwise determined by each member state.

26 (e) The compact commissioner and the military family education liaison
27 designated under the compact shall be ex-officio members of the State Council, unless
28 either is already a full voting member of the State Council.

29 ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL
30 OPPORTUNITY FOR MILITARY CHILDREN

31 The member states create the Interstate Commission on Educational
Opportunity for Military Children. The activities of the Interstate Commission are the

1 formation of public policy and are a discretionary state function. The Interstate
2 Commission shall

3 (1) be a body corporate and joint agency of the member states and
4 shall have all the responsibilities, powers, and duties set out in this compact, and
5 additional powers as may be conferred upon it by a subsequent concurrent action of
6 the respective legislatures of the member states in accordance with the terms of this
7 compact;

8 (2) consist of one Interstate Commission voting representative from
9 each member state who shall be that state's compact commissioner;

10 (A) each member state represented at a meeting of the
11 Interstate Commission is entitled to one vote;

12 (B) a majority of the total member states shall constitute a
13 quorum for the transaction of business, unless a larger quorum is required by
14 the bylaws of the Interstate Commission;

15 (C) a representative may not delegate a vote to another member
16 state; if the compact commissioner is unable to attend a meeting of the
17 Interstate Commission, the governor or State Council may delegate voting
18 authority to another person from their state for a specified meeting;

19 (D) the bylaws may provide for meetings of the Interstate
20 Commission to be conducted by telecommunication or electronic
21 communication;

22 (3) consist of ex-officio, non-voting representatives who are members
23 of interested organizations; the ex-officio members, as defined in the bylaws, may
24 include but not be limited to

25 (A) members of the representative organizations of military
26 family advocates;

27 (B) local education agency officials;

28 (C) parent and teacher groups;

29 (D) the United States Department of Defense;

30 (E) the Education Commission of the States;

31 (F) the Interstate Agreement on the Qualification of

Educational Personnel and other interstate compacts affecting the education of children of military members;

(4) meet at least once each calendar year; the chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

(5) establish an executive committee, whose members shall include the officers of the Interstate Commission and the other members of the Interstate Commission as determined by the bylaws; members of the executive committee shall serve a one year term; members of the executive committee shall be entitled to one vote each; the executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session; the executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other duties as considered necessary; the United States Department of Defense shall serve as an ex-officio, nonvoting member of the executive committee;

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

(7) give public notice of all meetings and all meetings shall be open to the public, except as set out in the rules or as otherwise provided in the compact; the Interstate Commission and its committees may close a meeting, or portion of an open meeting, if it determines by two-thirds vote that an open meeting would be likely to

(A) relate solely to the Interstate Commission's internal personnel practices and procedures;

(B) disclose matters specifically exempted from disclosure by federal and state statute;

(C) disclose trade secrets or commercial or financial information which is privileged or confidential;

(D) involve accusing a person of a crime, or formally censuring a person;

(E) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(F) disclose investigative records compiled for law enforcement purposes; or

(G) specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding;

(8) 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 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;

(9) 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; and

(10) 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.

ARTICLE X

1 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

2 The Interstate Commission shall have the following powers:

3 (1) to provide for dispute resolution among member states;

4 (2) to promulgate rules and take all necessary actions to effect the
5 goals, purposes, and obligations as enumerated in this compact; the rules shall have
6 the force and effect of statutory law and shall be binding in the compact states to the
7 extent and in the manner provided in this compact;8 (3) to issue, upon request of a member state, advisory opinions
9 concerning the meaning or interpretation of the interstate compact, its bylaws, rules,
10 and actions;11 (4) to enforce compliance with the compact provisions, the rules,
12 promulgated by the Interstate Commission, and the bylaws, using all necessary and
13 proper means, including but not limited to the use of judicial process;14 (5) to establish and maintain offices which shall be located within one
15 or more of the member states;

16 (6) to purchase and maintain insurance and bonds;

17 (7) to borrow, accept, hire, or contract for services of personnel;

18 (8) to establish and appoint committees including, but not limited to,
19 an executive committee as required by art. IX, sec. 5, which shall have the power to
20 act on behalf of the Interstate Commission in carrying out its powers and duties under
21 the compact;22 (9) to elect or appoint such officers, attorneys, employees, agents, or
23 consultants, and to fix their compensation, define their duties, and determine their
24 qualifications; and to establish the Interstate Commission's personnel policies and
25 programs relating to conflicts of interest, rates of compensation, and qualifications of
26 personnel;27 (10) to accept any and all donations and grants of money, equipment,
28 supplies, materials, and services, and to receive, utilize, and dispose of it;29 (11) to lease, purchase, accept contributions or donations of, or
30 otherwise to own, hold, improve, or use any property, real, personal, or mixed;

31 (12) to sell, convey, mortgage, pledge, lease, exchange, abandon, or

otherwise dispose of any property, real, personal, or mixed;

- (13) to establish a budget and make expenditures;
- (14) to adopt a seal and bylaws governing the management and operation of the Interstate Commission;
- (15) 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; the reports shall also include any recommendations that may have been adopted by the Interstate Commission;
- (16) to coordinate education, training, and public awareness regarding the compact, its implementation and operation for officials and parents involved in the activity;
- (17) to establish uniform standards for the reporting, collecting, and exchanging of data;
- (18) to maintain corporate books and records in accordance with the bylaws;
- (19) to perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and
- (20) to provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

(1) establishing the fiscal year of the Interstate Commission;

(2) establishing an executive committee, and other committees as may

(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 the compact after the payment and reserving of all 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 such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers shall serve without compensation or remuneration from the Interstate Commission; if, subject to the availability of budgeted funds, the officers are reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

(c) Executive Committee, Officers, and Personnel

(1) the executive committee shall have such authority and duties as may be set out in the bylaws, including, but not limited to

(A) managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

(B) overseeing an organizational structure within, and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

(C) planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the Interstate Commission;

(2) the executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for the period, upon the terms and conditions and for such compensation, as the Interstate Commission may consider appropriate; the executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission; the executive director shall hire and supervise other persons as may be authorized by the Interstate Commission.

(d) The Interstate Commission's executive director and its 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 or personal injury or other civil liberty caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties or responsibilities; if, that person is not protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of the person. The following standards apply:

(1) the liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of the person's employment or duties for acts, errors, or omissions occurring within the person's state may not exceed the limits of liability set out 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 such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct on the part of such person;

(2) the Interstate Commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties

1 or responsibilities, or that the defendant had a reasonable basis for believing occurred
2 within the scope of Interstate Commission employment, duties, or responsibilities, if
3 the actual or alleged act, error, or omission did not result from intentional or willful
4 and wanton misconduct on the part of such person;

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

14 ARTICLE XII

15 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

16 (a) Rulemaking authority. The Interstate Commission shall promulgate
17 reasonable rules in order to effectively and efficiently achieve the purposes of this
18 compact. Notwithstanding the provisions of this subsection, if the Interstate
19 Commission exercises its rulemaking authority in a manner that is beyond the scope of
20 the purposes of this Act, or the powers granted hereunder, then such an action by the
21 Interstate Commission shall be invalid and have no force or effect.

22 (b) Rulemaking procedure. Rules shall be made under a rulemaking process
23 that substantially conforms to the "Model State Administrative Procedure Act," of
24 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000) as amended, as may be
25 appropriate to the operations of the Interstate Commission.

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

1 Commission's authority.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

(a) Oversight

12 (2) all courts shall take judicial notice of the compact and the rules in
13 any judicial or administrative proceeding in a member state pertaining to the subject
14 matter of this compact which may affect the powers, responsibilities, or actions of the
15 Interstate Commission;

29 (2) provide remedial training and specific technical assistance
30 regarding the default:

31 (3) if the defaulting state fails to cure the default, the defaulting state

1 shall be terminated from the compact upon an affirmative vote of a majority of the
2 member states and all rights, privileges, and benefits conferred by this compact shall
3 be terminated from the effective date of termination; a cure of the default does not
4 relieve the offending state of obligations or liabilities incurred during the period of
5 default;

6 (4) suspension or termination of membership in the compact shall be
7 imposed only after all other means of securing compliance have been exhausted;
8 notice of intent to suspend or terminate shall be given by the Interstate Commission to
9 the governor, the majority and minority leaders of the defaulting state's legislature, and
10 each of the member states;

11 (5) the state that has been suspended or terminated is responsible for
12 all assessments, obligations, and liabilities incurred through the effective date of
13 suspension or termination including obligations, the performance of which extends
14 beyond the effective date of suspension or termination;

15 (6) the Interstate Commission does not bear any costs relating to any
16 state that has been found to be in default or which has been suspended or terminated
17 from the compact, unless otherwise mutually agreed upon in writing between the
18 Interstate Commission and the defaulting state;

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

24 (c) Dispute resolution

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

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

30 (d) Enforcement

31 (1) the Interstate Commission, in the reasonable exercise of its

1 discretion, shall enforce the provisions and rules of this compact:

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

1 audited yearly by a certified or licensed public accountant and the report of the audit
2 shall be included in and become part of the annual report of the Interstate
3 Commission.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

(a) A state is eligible to become a member state

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

(a) Withdrawal

29 (3) the withdrawing state shall immediately notify the chairperson of
30 the Interstate Commission in writing upon the introduction of legislation repealing this
31 compact in the withdrawing state; the Interstate Commission shall notify the other

1 member states of the withdrawing state's intent to withdraw within 60 days of its
2 receipt of the intent to withdraw;

3 (4) the withdrawing state is responsible for all assessments,
4 obligations, and liabilities incurred through the effective date of withdrawal, including
5 obligations, the performance of which extend beyond the effective date of withdrawal;

6 (5) reinstatement following withdrawal of a member state shall occur
7 upon the withdrawing state reenacting the compact or upon such later date as
8 determined by the Interstate Commission.

9 (b) Dissolution of compact

10 (1) this compact shall dissolve effective upon the date of the
11 withdrawal or default of the member state which reduces the membership in the
12 compact to one member state;

13 (2) upon the dissolution of this compact, the compact becomes null and
14 void and shall be of no further force or effect, and the business and affairs of the
15 Interstate Commission shall be concluded and surplus funds shall be distributed in
16 accordance with the bylaws.

17 ARTICLE XVII

18 SEVERABILITY AND CONSTRUCTION

19 (a) The provisions of this compact shall be severable, and if any phrase,
20 clause, sentence, or provision is deemed unenforceable, the remaining provisions of
21 the compact shall be enforceable.

22 (b) The provisions of this compact shall be liberally construed to effectuate its
23 purposes.

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

26 ARTICLE XVIII

27 BINDING EFFECT OF COMPACT AND OTHER LAWS

28 (a) Other laws

29 (1) Nothing herein prevents the enforcement of any other law of a
30 member state that is not inconsistent with this compact;

31 (2) All member states' laws conflicting with this compact are

1 superseded to the extent of the conflict;

2 (b) Binding effect of the compact

6 (2) All agreements between the Interstate Commission and the member
7 states are binding in accordance with their terms;

18 **Sec. 14.34.030. State council.** The board shall designate a subcommittee of its
19 membership to serve as the state council under AS 14.34.010. Consistent with state
20 law, the board shall designate other persons to serve on the subcommittee to complete
21 the representation required by the compact established under AS 14.34.010.

22 **Sec. 14.34.040. Regulations.** The board may adopt regulations to implement
23 this chapter.

26 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 INDIRECT COURT RULE AMENDMENTS. The changes made by sec. 1 of this Act
29 have the effect of changing:

30 (1) Rule 4, Alaska Rules of Civil Procedure, by entitling the Interstate
31 Commission on Educational Opportunity for Military Children to receive service of process

1 of a judicial proceeding in this state that pertains to the Interstate Compact on Educational
2 Opportunity for Military Children set out in AS 14.34.010, enacted by sec. 1 of this Act, and
3 in which the validity of a compact provision or rule is an issue for which a judicial
4 determination has been sought;

11 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **CONDITIONAL EFFECT OF CERTAIN PROVISIONS.** The provisions of art.
14 XIII(a)(3) of the Interstate Compact on Educational Opportunity for Military Children set out
15 in AS 14.34.010, enacted in sec. 1 of this Act, concerning service of process and standing to
16 intervene, take effect only if sec. 2 of this Act receives the two-thirds majority vote of each
17 house required by art. IV, sec. 15, Constitution of the State of Alaska.

18 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 CONDITIONAL EFFECT OF ACT; COMMISSIONER'S DUTY TO NOTIFY. (a)
21 Sections 1 and 2 of this Act take effect only if not less than 10 states other than this state
22 ratify the Interstate Compact on Educational Opportunity for Military Children.

23 (b) The commissioner of education and early development or the commissioner's
24 designee shall notify the lieutenant governor and the revisor of statutes when not less than 10
25 states other than this state have ratified the Interstate Compact on Educational Opportunity for
26 Military Children.

* **Sec. 5.** If secs. 1 and 2 of this Act take effect under sec. 4 of this Act, they take effect the day after the date on which the commissioner of education and early development or the commissioner's designee notifies the revisor of statutes that not less than 10 states other than this state have ratified the Interstate Compact on Educational Opportunity for Military Children set out in AS 14.34.010, enacted in sec. 1 of this Act, or in a substantially similar

1 form, or July 1, 2009, whichever is later.