



Education Policy Council

**Wednesday, March 17, 2010
8:30 AM
Morris Hall**

**Larry Cretul
Speaker**

**Will W. Weatherford
Chair**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 45 Use of Prescribed Pancreatic Enzyme Supplements

SPONSOR(S): Renuart; Porth

TIED BILLS: IDEN./SIM. BILLS: SB 166

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee	10 Y, 0 N	Duncan	Ahearn
2)	Health Care Regulation Policy Committee	12 Y, 0 N	Holt	Calamas
3)	Education Policy Council		White <i>TW</i>	Lowell <i>P</i>
4)				
5)				

SUMMARY ANALYSIS

House Bill 45 authorizes K-12 students at risk for pancreatic insufficiency or who have been diagnosed as having cystic fibrosis to use a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities.

In addition, the bill provides that parents of a student who uses a prescribed pancreatic enzyme supplement must indemnify certain entities from all liability related to the use of the supplements.

This bill does not appear to have a fiscal impact on state or local government revenues or expenditures.

The bill takes effect July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background:

Administering Medication in Schools

Current law authorizes school personnel to assist students in the administration of prescription medication when designated personnel¹ have received training from a registered nurse, licensed practical nurse, physician, or physician's assistant.² The district school board must adopt policies and procedures governing the administration of prescription medication by school personnel. Included in the policies and procedures must be a requirement that:³

- With each prescribed medication, parents provide the principal a written statement granting the principal, or the principal's designee, permission to assist in the administration of their child's medication and explain why the medication has to be provided during the school day⁴;
- Any prescribed medication that is to be administered by school personnel must be received, counted, and stored in its original container; and
- When the medication is not in use, it must be stored under lock and key in a location designated by the school principal.

There is no liability for civil damages as a result of the administration of the medication when the designated person acts as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.⁵

Asthmatic and Severely Allergic Students

Under current law, asthmatic students are permitted to carry a metered dose inhaler while in school, if, the students' parent and physician provide a copy of their approval to the principal.⁶ A severely allergic

¹ Individuals are designated by the school principal.

² Section 1006.062(1)(a), F.S.

³ Section 1006.062(1)(b), F.S.

⁴ This also includes any occasion when the student is away from school grounds on official school business. See s.1006.062 (1)(b), F.S.

⁵ Section 1006.062(2), F.S.

⁶ Section 1002.20(3)(h), F.S.

student is also permitted to carry and self-administer an epinephrine⁷ auto-injector⁸ while in school, participating in school-sponsored activities or in transit to or from school, if the school has been provided parental and physician authorization.⁹ The parent must indemnify the school district, county health department, public-private partner, and their employees and volunteers from any and all liability related to the use of the epinephrine auto-injector.¹⁰

Cystic Fibrosis

Cystic Fibrosis (CF) is a chronic, inherited disease that affects the lungs and digestive system of about 30,000 children and adults in the United States.¹¹ A defective gene and its protein product cause the body to produce unusually thick, sticky mucous that clogs the lungs leading to life-threatening lung infections, obstruction of the pancreas, and stoppage of natural enzymes that help the body break down and absorb food.¹² This mucous can also prevent pancreatic enzymes from reaching the intestines to digest and absorb food, which results in malnutrition, slow growth, and poor weight gain.¹³

To treat CF, oral pancreatic enzyme medication is taken with all meals and snacks that contain fat, protein, and/or complex carbohydrates.¹⁴ Pancreatic enzyme replacements come in capsule form.¹⁵ Inside each capsule are many small "beads" that contain digestive enzymes.¹⁶ The digestive enzymes are released in the small intestine to help digest food.¹⁷ According to the Cystic Fibrosis Foundation, more than 90% of people who have CF take pancreatic enzyme replacements. Oral pancreatic enzymes are not addictive and will not change the child's behavior.¹⁸ Pancreatic enzymes do not cause a problem if taken by another child.¹⁹

Effect of Proposed Changes:

The bill authorizes K-12 students at risk for pancreatic insufficiency or who have been diagnosed as having cystic fibrosis to use a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, if the school has been provided with parental and prescribing practitioner approval.

The parents of students authorized to use a prescribed pancreatic enzyme supplement must indemnify the school district, county health department, public-private partner, and their employees and volunteers from any and all liability related to the use of the prescribed pancreatic enzyme supplements.

The bill requires the State Board of Education (SBE), in cooperation with the Department of Health (DOH), to adopt rules for the use of prescribed pancreatic enzyme supplements, including provisions to protect the safety of all students from the misuse or abuse of the supplements.

⁷ A form of adrenaline medication used to treat severe allergic reactions, such as anaphylactic shock or insect stings.

⁸ A medical device designed to deliver a single dose of a particular (typically life-saving) drug.

⁹ Section 1002.20(3)(i), F.S.

¹⁰ *Ibid.*

¹¹ Cystic Fibrosis Foundation, About Cystic Fibrosis: What you need to know. Available at: <http://www.cff.org/AboutCF/> (last viewed February 23, 2010).

¹² Cystic Fibrosis Foundation, About Cystic Fibrosis: Frequently Asked Questions. Available at: <http://www.cff.org/AboutCF/Faqs/> (last viewed February 23, 2010).

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Cystic Fibrosis Foundation, Living with CF, Staying Healthy: Pancreatic Enzyme Supplements. Available at: <http://www.cff.org/LivingWithCF/StayingHealthy/> (last viewed February 23, 2010).

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ Cystic Fibrosis Foundation, Living with CF, At School: School, Enzymes, and Sports for the Child with Cystic Fibrosis. Available at: <http://www.cff.org/LivingWithCF/AtSchool/SchoolEnzymes/> (last viewed February 23, 2010).

¹⁹ *Ibid.*

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.20(3), F.S., relating to K-12 student and parent rights.

Section 2. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None identified.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the SBE, in cooperation with the DOH, to adopt rules for the use of prescribed pancreatic enzyme supplements, including provisions to protect the safety of all students from the misuse or abuse of the supplements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The indemnity provision does not prohibit a person from filing a lawsuit. This provision merely provides that the school district, county health department, public-private partner, and their employees or

volunteers may recover from the parent of the student authorized to carry the prescribed pancreatic enzyme supplements.

According to the Department of Education, "there is some question of whether the proposal, which creates a statutory right, is necessary given the authority to administer medication under s. 1006.062. Further, there is a potential for liability on the district's or school's part, given that immunity is limited in scope to the student's use."²⁰

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None.

²⁰ Department of Education, Analysis of House Bill 45, November 16, 2009.

1 A bill to be entitled
 2 An act relating to the use of prescribed pancreatic enzyme
 3 supplements; amending s. 1002.20, F.S.; authorizing
 4 certain K-12 students to use prescribed pancreatic enzyme
 5 supplements under certain circumstances; requiring the
 6 State Board of Education to adopt rules; providing for
 7 indemnification; providing an effective date.

8

9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. Paragraph (j) is added to subsection (3) of
 12 section 1002.20, Florida Statutes, to read:

13 1002.20 K-12 student and parent rights.--Parents of public
 14 school students must receive accurate and timely information
 15 regarding their child's academic progress and must be informed
 16 of ways they can help their child to succeed in school. K-12
 17 students and their parents are afforded numerous statutory
 18 rights including, but not limited to, the following:

19 (3) HEALTH ISSUES.--

20 (j) Use of prescribed pancreatic enzyme supplements.--A
 21 student who has experienced or is at risk for pancreatic
 22 insufficiency or who has been diagnosed as having cystic
 23 fibrosis may carry and self-administer a prescribed pancreatic
 24 enzyme supplement while in school, participating in school-
 25 sponsored activities, or in transit to or from school or school-
 26 sponsored activities if the school has been provided with
 27 authorization from the student's parent and prescribing
 28 practitioner. The State Board of Education, in cooperation with

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29 the Department of Health, shall adopt rules for the use of
 30 prescribed pancreatic enzyme supplements which shall include
 31 provisions to protect the safety of all students from the misuse
 32 or abuse of the supplements. A school district, county health
 33 department, public-private partner, and their employees and
 34 volunteers shall be indemnified by the parent of a student
 35 authorized to use prescribed pancreatic enzyme supplements for
 36 any and all liability with respect to the student's use of the
 37 supplements under this paragraph.

38 Section 2. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 255 Community College Student Fees
SPONSOR(S): Chestnut and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 208

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	State Universities & Private Colleges Policy Committee	11 Y, 1 N	Thomas	Tilton
2)	State Universities & Private Colleges Appropriations Committee	10 Y, 4 N	Howell	Trexler
3)	Education Policy Council		White <i>TW</i>	Lowell <i>(N)</i>
4)				
5)				

SUMMARY ANALYSIS

HB 255 authorizes each community college board of trustees to establish a transportation access fee. Revenue generated from the fee may be used only for the provision or improvement of access to transportation services for students enrolled in the community college. The fee may not exceed \$6 per credit hour. An increase in the fee may occur only once each fiscal year and must be implemented beginning with the fall term.

HB 255 also prohibits the transportation access fee from being included in the amount calculated for scholarships under the Bright Futures Scholarship Program.

The fiscal impact of the bill is indeterminate. (See FISCAL COMMENTS)

The effective date provided is July 1, 2010.

HOUSE PRINCIPLES

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- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Community College Fee Authority

Section 1009.23, F.S., identifies the fees that a student may be charged by a community college for: college credit instruction leading to an associate in arts degree, an associate in applied science degree, an associate in science degree, or a baccalaureate degree; noncollege credit college-preparatory classes; and educator preparation institute (EPI) programs.

Each community college board of trustees has specific statutory authority to establish tuition and out-of-state fees within certain parameters; an activity and service fee; a financial aid fee; a technology fee; and a separate fee for capital improvement, technology enhancements, and equipping student buildings.¹ Tuition and fees may vary among community colleges depending on which fees each community college board of trustees chooses to authorize.

For the 2009-2010 academic year, the amount assessed for these fees varied as follows:

- Tuition (per credit hour amount ranges from \$60.30 to \$67.60);
- Out-of-state fee (per credit hour amount ranges from \$158.81 to \$202.93);
- Activity and service fee (per credit hour amount ranges from \$0.00 to \$6.76);
- Financial aid fee (per credit hour amount ranges from \$2.10 to \$4.73);
- Technology fee (per credit hour amount ranges from \$0.00 to \$3.38); and
- Capital improvement fee (per credit hour amount ranges from \$4.65 to \$6.76).²

In addition, each community college board of trustees has specific statutory authority to establish fee schedules for the following user fees and fines:

- Laboratory fees;
- Parking fees and fines;
- Library fees and fines;
- Fees and fines relating to facilities and equipment use or damage;
- Access or identification card fees;

¹ See Section 1009.23, F.S.

² E-mail correspondence with the Department of Education staff dated August 6, 2009.

- Duplicating, photocopying, binding or microfilming fees;
- Standardized testing fees;
- Diploma replacement fees;
- Transcript fees;
- Application fees;
- Graduation fees;
- Late fees related to registration and payment; and
- Distance learning course user fee.³

Transportation Access Fee Authority

State Universities

State universities have specific statutory authority to assess a transportation access fee.⁴ Seven state universities currently assess a per credit hour transportation access fee: University of Florida (\$6.79); Florida State University (\$7.40); University of South Florida (\$3.00); University of West Florida (\$1.80); University of Central Florida (\$7.94); University of North Florida (\$3.85); and Florida Gulf Coast University (\$5.25).⁵

The funds generated by the University of Florida (UF) transportation access fee are used to provide UF students with unlimited access to the city bus system. It is estimated that 36,500 weekday student passenger trips occur when school is in session. This is a count of UF students taking a trip on a bus, not a headcount of individual students. Routes are designed based on student requests to visit specific apartment and condominium complexes, businesses, and university sites. In addition, there are eight intra-campus routes allowing students to travel from one part of campus to another.⁶

Community Colleges

Community colleges do not have statutory authority to charge transportation access fees and are prohibited from charging any fee except as authorized by law or rule of the State Board of Education.⁷

On February 16, 2009, the Santa Fe College Student Government adopted a resolution petitioning the Florida Legislature for a statutory amendment to permit the Santa Fe College Board of Trustees to implement a transportation fee. The resolution proposed that the transportation fee could increase the frequency and length of service of two existing bus routes, add a new route, and provide free ridership on all regular Gainesville Regional Transportation System (RTS) routes for anyone with a valid Santa Fe College ID card.⁸ The RTS estimated that these proposed enhancements would cost \$5.54 per credit hour.⁹

Effect of Proposed Changes

HB 255 authorizes each community college board of trustees to establish a transportation access fee. Revenue generated from the transportation access fee may be used only for the provision or improvement of access to transportation services for students enrolled in the community college. The fee may not exceed \$6 per credit hour. An increase in the transportation access fee may occur only once each fiscal year and must be implemented beginning with the fall term.

HB 255 also prohibits the fee from being included in the amount calculated for scholarships under the Bright Futures Scholarship Program.

³ Section 1009.23(12)(a) and (16)(a), F.S.

⁴ Section 1009.24(13)(p), F.S.

⁵ E-mail correspondence with the Board of Governors staff dated September 29, 2009.

⁶ E-mail correspondence with University of Florida staff dated December 15, 2009.

⁷ Section 1009.23(12)(a) & (b), F.S.

⁸ Santa Fe Student Government Resolution dated February 16, 2009.

⁹ Gainesville RTS Service Adjustment Estimates for Fall 2009.

B. SECTION DIRECTORY:

Section 1. Amends s. 1009.23, F.S., authorizing each community college board of trustees to establish a transportation access fee; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; and prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards.

Section 2. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None. HB 255 prohibits the transportation access fee from being included in the amount calculated for scholarships under the Bright Futures Scholarship Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

HB 255 allows each community college board of trustees to assess a transportation access fee, not to exceed \$6 per credit hour. The estimated revenue, should every college choose to impose the fee at the maximum allowable amount, would be \$54.8 million.¹⁰

According to the Department of Education, contracting for public transportation is not a feasible option for colleges located in predominately rural areas and those located within municipalities that do not currently offer a public transportation service. Therefore, this fee will most likely only be imposed at colleges located in urban or metropolitan areas, thereby reducing estimated revenues.¹¹

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS.

D. FISCAL COMMENTS:

To the extent a community college board of trustees chooses to establish a transportation access fee, the cost to a student attending the community college may increase.

Recipients of a Bright Futures Scholarship would be required to pay the transportation access fee. HB 255 prohibits the transportation access fee from being included in the amount calculated for scholarships under the Bright Futures Scholarship Program.

The Florida Prepaid College Program (Program) does not currently offer a plan to cover a transportation access fee. The two-year Community College Tuition Plan and 2 + 2 Tuition Plan cover

¹⁰ Department of Education analysis of HB 255 (November 30, 2009).

¹¹ *Id.*

the required registration fee.¹² The term "registration fee" is defined in law to include tuition and the building, Capital Improvement Trust Fund, and student financial aid fees.¹³ The Program is authorized to approve contracts for additional community college fees authorized by s. 1009.23, F.S., and thus may offer a contract to cover the transportation access fee in the future.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

Similar legislation authorizing each community college board of trustees to establish a transportation access fee was passed during the 2009 Regular Session.¹⁴ The Governor vetoed the bill on June 10, 2009. The Governor voiced concerns that the transportation access fee would be charged to all students instead of being charged solely to students who benefit from the fee. Additionally, the Governor stated that he could not support charging students up to an additional \$200 per year fee in challenging economic times for services that a student may or may not utilize.¹⁵

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

¹² http://www.myfloridaprepaid.com/Plans/No_Plan/2plus2_Tuition_Plan.asp (last visited December 22, 2009).

¹³ Section 1009.97(3)(g), F.S.

¹⁴ See CS/HB 739 (2009).

¹⁵ http://www.flgov.com/legislative_actions_all (last visited December 16, 2009).

1 A bill to be entitled
 2 An act relating to community college student fees;
 3 amending s. 1009.23, F.S.; authorizing community college
 4 boards of trustees to establish a transportation access
 5 fee; limiting the amount of the fee; providing a timeframe
 6 for a fee increase and implementation of an increase;
 7 prohibiting the inclusion of the fee in calculating the
 8 amount a student receives under Florida Bright Futures
 9 Scholarship Program awards; providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Present subsection (17) of section 1009.23,
 14 Florida Statutes, is redesignated as subsection (18), and a new
 15 subsection (17) is added to that section to read:

16 1009.23 Community college student fees.--

17 (17) (a) Each community college board of trustees may
 18 establish a transportation access fee. Revenue from the
 19 transportation access fee may be used only for the provision or
 20 improvement of access to transportation services for students
 21 enrolled in the community college. The fee may not exceed \$6 per
 22 credit hour. An increase in the transportation access fee may
 23 occur only once each fiscal year and must be implemented
 24 beginning with the fall term.

25 (b) Notwithstanding ss. 1009.534, 1009.535, and 1009.536,
 26 the transportation access fee authorized under paragraph (a)
 27 shall not be included in calculating the amount a student
 28 receives for a Florida Academic Scholars award, a Florida

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29 Medallion Scholars award, or a Florida Gold Seal Vocational
30 Scholars award.

31 Section 2. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 521

Interstate Compact on Educational Opportunity for Military Children

SPONSOR(S): Proctor

TIED BILLS:

IDEN./SIM. BILLS: SB 1060

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee	8 Y, 0 N	Beagle	Ahearn
2)	Military & Local Affairs Policy Committee	10 Y, 0 N	Fudge	Hoagland
3)	Education Policy Council		White TW	Lowell W
4)				
5)				

SUMMARY ANALYSIS

In 2008, the Florida Legislature enacted the Interstate Compact on Educational Opportunity for Military Children. The purpose of the compact is to enable member states to uniformly address educational transition issues faced by military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, and graduation for children of active-duty military families. Currently, 26 states are members of the compact.

The compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the compact. The Commission is comprised of one voting representative, or Compact Commissioner (Commissioner), from each member state. The Commission may adopt and enforce compact rules which govern member states in the areas addressed by the compact. The compact rules supersede conflicting member state laws to the extent necessary to accomplish the purposes of the compact.

Florida's compact legislation was enacted prior to the promulgation of compact rules by the Commission. The legislation included a repeal provision which requires automatic repeal of the compact two years after its effective date, which is July 9, 2010. The Legislature can save the compact from repeal by reenacting the compact prior to the repeal date. The repeal provision allows the Legislature to evaluate the newly promulgated compact rules and reevaluate Florida's continued participation in the compact.

House Bill 521 reenacts Florida's compact legislation and repeals the automatic repeal provision in the original compact legislation. The bill adds a new provision automatically repealing the compact legislation three years after the bill takes effect.

The current compact authorizes the Commission to close meetings under specified circumstances, seal closed meeting records, and adopt bylaws governing disclosure of Commission records. These provisions, as applied to Florida's Commissioner, conflict with provisions in the Florida Constitution which require that public access be granted to governmental records and meetings. House Bill 521 removes these provisions from Florida's compact statute.

The bill will have an insignificant fiscal impact on state government. The bill does not appear to have a fiscal impact on local governments. (See Fiscal Comments).

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
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- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Children in active-duty military families face unique educational challenges. The average military child transfers to a different school district six to nine times during kindergarten through grade 12. When a parent is reassigned, military children may be impacted by:

- Record transfer issues;
- Varied course sequencing and academic placement policies;
- Varied graduation requirements;
- Exclusion from extracurricular activities;
- Redundant or missed entrance or exit testing;
- Varied kindergarten and first grade entrance ages; and
- The need to appoint temporary guardians while the child's parent is deployed.¹

In 2008, the Florida Legislature enacted the Interstate Compact on Educational Opportunity for Military Children.² The compact was developed by the Council of State Governments (CSG), in cooperation with the U.S. Department of Defense. The purpose of the compact is to enable member states to uniformly address educational transition issues faced by active-duty military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, participation in academic programs and extracurricular activities, and graduation for children of active-duty military families.³

The compact takes effect upon enactment by nine other states.⁴ Delaware became the tenth state to adopt the compact on July 9, 2008.⁵ Currently, 27 states are members of the compact.⁶

¹ Council of State Governments, *Interstate Compact on Educational Opportunity for Military Children: Legislative Resource Kit* (January 2008) available at <http://www.csg.org/programs/ncic/documents/RESOURCEKIT-January2008final.pdf>.

² Sections 1000.36, 1000.37, 1000.38, and 1000.39, F.S.

³ Chapter 2008-225, L.O.F.; CS/HB 1203 (2008); § 1000.36, F.S.; See Council of State Governments *supra* note 1.

⁴ Section 6, ch. 2008-225, L.O.F.

⁵ 76 Del. Laws 327 (2008).

⁶ Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oklahoma, Texas, Virginia, and Washington. Council of State Governments, *State-by-State Status Chart* (March 11, 2010) available at <http://www.csg.org/programs/policyprograms/NCIC/MIC3ResourcesandPublications.aspx>.

The compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the compact. The Commission may adopt and enforce bylaws and compact rules and perform various administrative functions necessary to day-to-day operations.⁷ The Commission is comprised of one voting representative, or Compact Commissioner (Commissioner), from each member state. Each state is entitled to one vote on compact rule adoption or other business matters.⁸ The Commission must meet at least once per year.⁹

Compact Rule Adoption

The Commission is authorized to promulgate compact rules which govern member states in the areas addressed by the compact. Compact rules have the force and effect of statutory law in compact member states.¹⁰ Compact rules supersede conflicting member state laws to the extent of the conflict.¹¹ Compact rules must not exceed the scope of authority granted by the compact. A majority of member state legislatures may invalidate a compact rule by legislative action.¹²

At the time the compact was enacted in 2008, the compact rules had not yet been promulgated. Because the compact rules would have the force and effect of statutory law and would supersede conflicting member state laws, concerns were raised regarding unconstitutional delegation of legislative authority under Article II, § 3, of the Florida Constitution.¹³ To address these concerns, Florida's compact legislation includes a repeal provision which requires automatic repeal of the compact two years after its effective date, which is July 9, 2010.¹⁴ The Legislature can save the compact from automatic repeal if, prior to the repeal date, the Legislature reviews and reenacts the compact. This allows the Legislature time to evaluate the promulgated rules, and reevaluate the compact provisions, to determine if the state still agrees with the compact provisions and concurs with the compact rules. If the Legislature reenacts the compact as is, or makes modifications to the compact (agreed upon by the CSG) and then reenacts it, this independent, later-in time action by the legislative body in support of the rules and the compact nullifies the concerns that a non-legislative entity (i.e., the Commission) has in effect legislated Florida law. (See Constitutional Issues).

The Commission unanimously adopted the compact rules in November 2009.¹⁵ The compact rules appear to be within the scope of authority granted by the compact. In most cases, the compact rule and authorizing compact provision are identical. In some cases, the compact rule provides additional details to better guide member states. Most obligations under the compact may be achieved within policies already established in Florida Statutes and State Board of Education rules.

Public Records and Meetings

The compact authorizes the Commission to adopt bylaws governing disclosure of Commission records in order to protect personal privacy and proprietary interests.¹⁶ The Commission adopted one bylaw exempting from disclosure Commission audit work papers and internal account records.¹⁷

Commission meetings must be noticed and open to the public. The compact authorizes the Commission to close meetings in order to prevent disclosure of:

⁷ Article X, of the Compact, § 1000.36, F.S.

⁸ Article IX, § B. of the Compact, § 1000.36, F.S.

⁹ Article IX, § D. of the Compact, § 1000.36, F.S.

¹⁰ Article X, § B. of the Compact, § 1000.36, F.S.

¹¹ Article XVIII, § B. of the Compact, § 1000.36, F.S.

¹² Article XII of the Compact, § 1000.36, F.S.

¹³ Article II, § 3 of the Florida Constitution provides for separation of powers among the executive, legislative, and judicial branches of state government. Courts construing this provision have held that the Legislature, when delegating the administration of legislative programs to executive agencies or other entities, must establish minimal standards and guidelines ascertainable by reference to the legislation creating the program. *See Avatar Development Corp. v. State*, 723 So.2d 199 (Fla. 1998).

¹⁴ Section 5, ch. 2008-225, L.O.F.

¹⁵ Telephone interview with Compact Coordinator, Council of State Governments (December 9, 2009).

¹⁶ Article IX, § F. of the Compact, § 1000.36, F.S.

¹⁷ Article VIII, § 3. of the Interstate Commission Bylaws.

- Personnel matters;
- Matters exempt from disclosure under state and federal law;
- Trade secrets or commercial or financial information;
- Personal privacy information;
- Law enforcement investigations;
- The formal censure or criminal accusation of a person by the Commission; or
- Information regarding the Commission's participation in litigation.

A two-thirds vote of the Commissioners is required to close a meeting.¹⁸ The Commission is required to seal all records considered in a closed meeting. Sealed records of closed meetings may only be released by majority vote of the Commission.¹⁹

The compact holds ineffective any compact provision which conflicts with a member state's constitution, to the extent of the conflict.²⁰ Compact provisions which authorize the Commission to close meetings and exempt records from disclosure conflict with Article I, § 24 of the Florida Constitution, which requires that public access be granted to governmental records and meetings.²¹ Accordingly, these compact provisions are not effective with respect to Florida's Commissioner.²² Florida's Commissioner must comply with Florida's public records and meetings laws regardless of what the compact and Commission bylaws provide regarding Commission records and meetings.²³ Florida's Commissioner must not participate in a closed Commission meeting.²⁴ Commission records, if held by Florida's Commissioner, are public records subject to disclosure, unless a public records exemption exists in the Florida Statutes for that record.²⁵

Public records and meetings experts were consulted and they recommended the removal of the public records and meetings provisions from Florida's compact statute.²⁶ Proposed legislation removing the compact's public records and meetings provisions was presented to CSG staff for review. They agreed that these provisions should be removed from Florida's compact statute.²⁷

Effect of Proposed Changes

House Bill 521 reenacts Florida's compact legislation and eliminates the existing repeal provision. The bill adds a new automatic repeal provision effective three years after the bill becomes effective.

The bill removes compact provisions authorizing the Commission to close meetings, seal closed meeting records, and adopt bylaws exempting records from disclosure.

¹⁸ Article IX, § G. of the Compact, § 1000.36, F.S. The Commission has also adopted a bylaw which is identical to the compact provision. Article VI, § 1. of the Interstate Commission Bylaws.

¹⁹ Article IX, § H. of the Compact, § 1000.36, F.S.

²⁰ Article XVIII, § E. of the Compact, § 1000.36, F.S.

²¹ Article I, § 24 of the Florida Constitution. *See also* §§ 286.011(1) & (2), 119.01(1), & 119.011(12), F.S. In an informal opinion, the Florida Attorney General states that Florida's Sunshine Laws are applicable to Florida officials who transact business pursuant to an interstate compact. Op. Att'y Gen. Fla. Informal (1998)(regarding the Appalachian-Chattahoochee-Flint River Basin Compact, § 373.71, F.S.).

²² Email from General Counsel, Council of State Governments (Dec. 7, 2009, 2:02 PM EST).

²³ Article I, § 24 of the Florida Constitution; § 119.011(2), F.S.; § 286.011(1), F.S. In the event a member state's Commissioner is unable to attend a meeting, the compact authorizes states to delegate voting authority to another person. Article IX, § B., § 1000.36, F.S.

²⁴ *See* Section 286.011(3), F.S.

²⁵ Generally, public records exemptions must be narrowly tailored to the specific agency and type of record to be exempted. Article I, § 24(c) of the Florida Constitution; *Krischer v. D'Amato*, 674 So. 2d 909, 911 (Fla. 4th D.C.A. 1996).

²⁶ Email from Florida House of Representatives Governmental Affairs Policy Committee Staff (Nov. 12, 2009, 1:08 PM EST); Telephone interview with Office of Open Government staff, Executive Office of the Governor (September 25, 2009). The Florida House of Representatives Governmental Affairs Policy Committee is the House committee in which legislation with public records and meetings issues is most commonly considered. The Governor established the Office of Open Government within the Executive Office of the Governor in December 2006.

²⁷ Email from General Counsel, Council of State Governments (Dec. 7, 2009, 2:02 PM EST).

B. SECTION DIRECTORY:

Section 1.: Repealing s. 5, ch. 2008-225, L.O.F., which provides for automatic repeal of the original compact legislation.

Section 2.: Amending s. 1000.36, F.S.; repealing provisions relating to the disclosure of records and the closure of meetings by the Interstate Commission on Educational Opportunity for Military Children.

Section 3.: Providing for repeal of ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S., the "Interstate Compact on Educational Opportunity for Military Children," three years after the effective date of the bill unless reviewed and reenacted by the Legislature.

Section 4.: Providing that the bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The bill will have an insignificant fiscal impact on state expenditures. (See Fiscal Comments).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

The compact requires the Commission to levy membership dues from each member state to finance Commission operations and staffing.²⁸ At the November 2009 annual meeting, the Commission adopted a rule which establishes a dues formula based upon \$1 per dependent child of active-duty military personnel residing in a member state.²⁹ According to the Department of Education (DOE), there are 33,304 children of active-duty military personnel living in Florida.³⁰

At the September 15, 2009, meeting of the State Board of Education, the DOE submitted a Legislative Budget Request for \$66,604 to fund annual compact membership dues. The request specifies that \$33,302 will be used to reimburse fees paid for 2009-2010 membership dues and the remainder will fund dues for 2010-2011.³¹ As of January 21, 2010, both year's membership dues are still outstanding.³²

²⁸ Article XIV of the Compact, § 1000.36, F.S.

²⁹ Section 2.102, Interstate Commission Rules.

³⁰ Florida Department of Education, *2010-2011 Operating Legislative Budget Request*, 208 (Sept. 2009) available at http://www.fldoe.org/board/meetings/2009_09_15/2010-11OperatingLegislativeBudgetRequest.pdf.

³¹ *Id.*

³² Email from Compact Coordinator, Council of State Governments (Jan. 20, 2010, 1:52 PM EST).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

The Florida Supreme Court has held that it is an unconstitutional delegation of legislative authority for the Legislature to prospectively adopt rules not yet promulgated by federal administrative bodies.³³ There does not appear to be any binding Florida case law that squarely addresses this issue in the context of interstate compacts.³⁴ An argument could be made that the prospective adoption of rules not yet promulgated by the Commission is analogous to existing precedent regarding federal administrative rules.

To address concerns regarding unconstitutional delegation of legislative authority, the bill provides for automatic repeal of Florida's compact legislation three years after the bill takes effect, unless reenacted by the Legislature. This will allow the Legislature to evaluate any new compact rules or compact rule amendments which are adopted during this time. The Legislature may then consider reenactment of the compact. This avoids an argument that an unlawful delegation has been made because reenactment of the compact occurs after rule adoption.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None.

³³ *Freimuth v. State*, 272 So.2d 473, 476 (Fla. 1972); *Fla. Indus. Commission v. State ex rel. Orange State Oil Co.*, 21 So.2d 599, 603 (Fla. 1945).

³⁴ A First District Court of Appeals opinion construing the provisions of the Interstate Compact on the Placement of Children mentions this issue but the court did not rule on the merits. *Department of Children and Family Services v. L.G.*, 801 So.2d 1047, 1052 (Fla. 1st DCA 2001).

1 A bill to be entitled
 2 An act relating to the Interstate Compact on Educational
 3 Opportunity for Military Children; repealing s. 5 of ch.
 4 2008-225, Laws of Florida; abrogating the future repeal of
 5 ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S., relating
 6 to the compact; amending s. 1000.36, F.S.; deleting
 7 provisions relating to the disclosure of information and
 8 records and the closure of meetings by the Interstate
 9 Commission on Educational Opportunity for Military
 10 Children; providing for future legislative review and
 11 repeal of the compact; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 5 of chapter 2008-225, Laws of Florida,
 16 is repealed.

17 Section 2. Section 1000.36, Florida Statutes, is amended
 18 to read:

19 1000.36 Interstate Compact on Educational Opportunity for
 20 Military Children.—The Governor is authorized and directed to
 21 execute the Interstate Compact on Educational Opportunity for
 22 Military Children on behalf of this state with any other state
 23 or states legally joining therein in the form substantially as
 24 follows:

25 Interstate Compact on Educational
 26 Opportunity for Military Children

27 ARTICLE I

28 PURPOSE.—It is the purpose of this compact to remove

29 barriers to educational success imposed on children of military
 30 families because of frequent moves and deployment of their
 31 parents by:

32 A. Facilitating the timely enrollment of children of
 33 military families and ensuring that they are not placed at a
 34 disadvantage due to difficulty in the transfer of education
 35 records from the previous school district or variations in
 36 entrance or age requirements.

37 B. Facilitating the student placement process through
 38 which children of military families are not disadvantaged by
 39 variations in attendance requirements, scheduling, sequencing,
 40 grading, course content, or assessment.

41 C. Facilitating the qualification and eligibility for
 42 enrollment, educational programs, and participation in
 43 extracurricular academic, athletic, and social activities.

44 D. Facilitating the on-time graduation of children of
 45 military families.

46 E. Providing for the adoption and enforcement of
 47 administrative rules implementing this compact.

48 F. Providing for the uniform collection and sharing of
 49 information between and among member states, schools, and
 50 military families under this compact.

51 G. Promoting coordination between this compact and other
 52 compacts affecting military children.

53 H. Promoting flexibility and cooperation between the
 54 educational system, parents, and the student in order to achieve
 55 educational success for the student.

56

ARTICLE II

57 DEFINITIONS.—As used in this compact, unless the context
58 clearly requires a different construction, the term:

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

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

66 C. "Compact commissioner" means the voting representative
67 of each compacting state appointed under Article VIII of this
68 compact.

69 D. "Deployment" means the period 1 month before the
70 service members' departure from their home station on military
71 orders through 6 months after return to their home station.

72 E. "Educational records" or "education records" means
73 those official records, files, and data directly related to a
74 student and maintained by the school or local education agency,
75 including, but not limited to, records encompassing all the
76 material kept in the student's cumulative folder such as general
77 identifying data, records of attendance and of academic work
78 completed, records of achievement and results of evaluative
79 tests, health data, disciplinary status, test protocols, and
80 individualized education programs.

81 F. "Extracurricular activities" means a voluntary activity
82 sponsored by the school or local education agency or an
83 organization sanctioned by the local education agency.
84 Extracurricular activities include, but are not limited to,

85 preparation for and involvement in public performances,
 86 contests, athletic competitions, demonstrations, displays, and
 87 club activities.

88 G. "Interstate Commission on Educational Opportunity for
 89 Military Children" means the commission that is created under
 90 Article IX of this compact, which is generally referred to as
 91 the Interstate Commission.

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

96 I. "Member state" means a state that has enacted this
 97 compact.

98 J. "Military installation" means a base, camp, post,
 99 station, yard, center, homeport facility for any ship, or other
 100 activity under the jurisdiction of the Department of Defense,
 101 including any leased facility, which is located within any of
 102 the several states, the District of Columbia, the Commonwealth
 103 of Puerto Rico, the United States Virgin Islands, Guam, American
 104 Samoa, the Northern Marianas Islands, and any other United
 105 States Territory. The term does not include any facility used
 106 primarily for civil works, rivers and harbors projects, or flood
 107 control projects.

108 K. "Nonmember state" means a state that has not enacted
 109 this compact.

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

113 M. "Rule" means a written statement by the Interstate
 114 Commission adopted under Article XII of this compact which is of
 115 general applicability, implements, interprets, or prescribes a
 116 policy or provision of the compact, or an organizational,
 117 procedural, or practice requirement of the Interstate
 118 Commission, and has the force and effect of statutory law in a
 119 member state, and includes the amendment, repeal, or suspension
 120 of an existing rule.

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

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

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

131 Q. "Transition" means:

132 1. The formal and physical process of transferring from
 133 school to school; or

134 2. The period of time in which a student moves from one
 135 school in the sending state to another school in the receiving
 136 state.

137 R. "Uniformed services" means the Army, Navy, Air Force,
 138 Marine Corps, Coast Guard as well as the Commissioned Corps of
 139 the National Oceanic and Atmospheric Administration, and Public
 140 Health Services.

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

144 ARTICLE III

145 APPLICABILITY.—

146 A. Except as otherwise provided in Section C, this compact
 147 applies to the children of:

148 1. Active duty members of the uniformed services,
 149 including members of the National Guard and Reserve on active-
 150 duty orders pursuant to 10 U.S.C. ss. 1209 and 1211;

151 2. Members or veterans of the uniformed services who are
 152 severely injured and medically discharged or retired for a
 153 period of 1 year after medical discharge or retirement; and

154 3. Members of the uniformed services who die on active
 155 duty or as a result of injuries sustained on active duty for a
 156 period of 1 year after death.

157 B. This interstate compact applies to local education
 158 agencies.

159 C. This compact does not apply to the children of:

160 1. Inactive members of the National Guard and military
 161 reserves;

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

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

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

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ARTICLE IV

EDUCATIONAL RECORDS AND ENROLLMENT.—

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

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

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

D. Students shall be allowed to continue their enrollment

197 at grade level in the receiving state commensurate with their
 198 grade level, including kindergarten, from a local education
 199 agency in the sending state at the time of transition,
 200 regardless of age. A student who has satisfactorily completed
 201 the prerequisite grade level in the local education agency in
 202 the sending state is eligible for enrollment in the next highest
 203 grade level in the receiving state, regardless of age. A student
 204 transferring after the start of the school year in the receiving
 205 state shall enter the school in the receiving state on their
 206 validated level from an accredited school in the sending state.

207 ARTICLE V

208 PLACEMENT AND ATTENDANCE.—

209 A. If a student transfers before or during the school
 210 year, the receiving state school shall initially honor placement
 211 of the student in educational courses based on the student's
 212 enrollment in the sending state school or educational
 213 assessments conducted at the school in the sending state if the
 214 courses are offered. Course placement includes, but is not
 215 limited to, Honors, International Baccalaureate, Advanced
 216 Placement, vocational, technical, and career pathways courses.
 217 Continuing the student's academic program from the previous
 218 school and promoting placement in academically and career
 219 challenging courses should be paramount when considering
 220 placement. A school in the receiving state is not precluded from
 221 performing subsequent evaluations to ensure appropriate
 222 placement and continued enrollment of the student in the
 223 courses.

224 B. The receiving state school must initially honor

225 placement of the student in educational programs based on
 226 current educational assessments conducted at the school in the
 227 sending state or participation or placement in like programs in
 228 the sending state. Such programs include, but are not limited
 229 to:

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

232 A school in the receiving state is not precluded from performing
 233 subsequent evaluations to ensure appropriate placement and
 234 continued enrollment of the student in the courses.

235 C. A receiving state must initially provide comparable
 236 services to a student with disabilities based on his or her
 237 current individualized education program (IEP) in compliance
 238 with the requirements of the Individuals with Disabilities
 239 Education Act (IDEA), 20 U.S.C. s. 1400, et seq. A receiving
 240 state must make reasonable accommodations and modifications to
 241 address the needs of incoming students with disabilities,
 242 subject to an existing section 504 or title II plan, to provide
 243 the student with equal access to education, in compliance with
 244 the provisions of Section 504 of the Rehabilitation Act, 29
 245 U.S.C.A. s. 794, and with title II of the Americans with
 246 Disabilities Act, 42 U.S.C. ss. 12131-12165. A school in the
 247 receiving state is not precluded from performing subsequent
 248 evaluations to ensure appropriate placement and continued
 249 enrollment of the student in the courses.

250 D. Local education agency administrative officials may
 251 waive course or program prerequisites, or other preconditions
 252 for placement in courses or programs offered under the

253 jurisdiction of the local education agency.

254 E. A student whose parent or legal guardian is an active-
 255 duty member of the uniformed services and has been called to
 256 duty for, is on leave from, or immediately returned from
 257 deployment to, a combat zone or combat support posting shall be
 258 granted additional excused absences at the discretion of the
 259 local education agency superintendent to visit with his or her
 260 parent or legal guardian relative to such leave or deployment of
 261 the parent or guardian.

262 ARTICLE VI

263 ELIGIBILITY.—

264 A. When considering the eligibility of a child for
 265 enrolling in a school:

266 1. A special power of attorney relative to the
 267 guardianship of a child of a military family and executed under
 268 applicable law is sufficient for the purposes of enrolling the
 269 child in school and for all other actions requiring parental
 270 participation and consent.

271 2. A local education agency is prohibited from charging
 272 local tuition to a transitioning military child placed in the
 273 care of a noncustodial parent or other person standing in loco
 274 parentis who lives in a school's jurisdiction different from
 275 that of the custodial parent.

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

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

285 ARTICLE VII

286 GRADUATION.—In order to facilitate the on-time graduation
 287 of children of military families, states and local education
 288 agencies shall incorporate the following procedures:

289 A. Local education agency administrative officials shall
 290 waive specific courses required for graduation if similar
 291 coursework has been satisfactorily completed in another local
 292 education agency or shall provide reasonable justification for
 293 denial. If a waiver is not granted to a student who would
 294 qualify to graduate from the sending school, the local education
 295 agency must provide an alternative means of acquiring required
 296 coursework so that graduation may occur on time.

297 B. States shall accept exit or end-of-course exams
 298 required for graduation from the sending state; national norm-
 299 referenced achievement tests; or alternative testing, in lieu of
 300 testing requirements for graduation in the receiving state. If
 301 these alternatives cannot be accommodated by the receiving state
 302 for a student transferring in his or her senior year, then the
 303 provisions of Article VII, Section C shall apply.

304 C. If a military student transfers at the beginning of or
 305 during his or her senior year and is not eligible to graduate
 306 from the receiving local education agency after all alternatives
 307 have been considered, the sending and receiving local education
 308 agencies must ensure the receipt of a diploma from the sending

309 | local education agency, if the student meets the graduation
 310 | requirements of the sending local education agency. If one of
 311 | the states in question is not a member of this compact, the
 312 | member state shall use its best efforts to facilitate the on-
 313 | time graduation of the student in accordance with Sections A and
 314 | B of this Article.

315 | ARTICLE VIII

316 | STATE COORDINATION.—Each member state shall, through the
 317 | creation of a state council or use of an existing body or board,
 318 | provide for the coordination among its agencies of government,
 319 | local education agencies, and military installations concerning
 320 | the state's participation in, and compliance with, this compact
 321 | and Interstate Commission activities.

322 | A. Each member state may determine the membership of its
 323 | own state council, but the membership must include at least: the
 324 | state superintendent of education, the superintendent of a
 325 | school district that has a high concentration of military
 326 | children, a representative from a military installation, one
 327 | representative each from the legislative and executive branches
 328 | of government, and other offices and stakeholder groups the
 329 | state council deems appropriate. A member state that does not
 330 | have a school district deemed to contain a high concentration of
 331 | military children may appoint a superintendent from another
 332 | school district to represent local education agencies on the
 333 | state council.

334 | B. The state council of each member state shall appoint or
 335 | designate a military family education liaison to assist military
 336 | families and the state in facilitating the implementation of

365 a quorum for the transaction of business, unless a larger quorum
 366 is required by the bylaws of the Interstate Commission.

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

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

375 C. Consist of ex officio, nonvoting representatives who
 376 are members of interested organizations. The ex officio members,
 377 as defined in the bylaws, may include, but not be limited to,
 378 members of the representative organizations of military family
 379 advocates, local education agency officials, parent and teacher
 380 groups, the United States Department of Defense, the Education
 381 Commission of the States, the Interstate Agreement on the
 382 Qualification of Educational Personnel, and other interstate
 383 compacts affecting the education of children of military
 384 members.

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

388 E. Establish an executive committee, whose members shall
 389 include the officers of the Interstate Commission and such other
 390 members of the Interstate Commission as determined by the
 391 bylaws. Members of the executive committee shall serve a 1-year
 392 term. Members of the executive committee are entitled to one

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393 | vote each. The executive committee shall have the power to act
 394 | on behalf of the Interstate Commission, with the exception of
 395 | rulemaking, during periods when the Interstate Commission is not
 396 | in session. The executive committee shall oversee the day-to-day
 397 | activities of the administration of the compact, including
 398 | enforcement and compliance with the compact, its bylaws and
 399 | rules, and other such duties as deemed necessary. The United
 400 | States Department of Defense shall serve as an ex officio,
 401 | nonvoting member of the executive committee.

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

409 | ~~G. Give public notice of all meetings and all meetings~~
 410 | ~~shall be open to the public, except as set forth in the rules or~~
 411 | ~~as otherwise provided in the compact. The Interstate Commission~~
 412 | ~~and its committees may close a meeting, or portion thereof,~~
 413 | ~~where it determines by two-thirds vote that an open meeting~~
 414 | ~~would be likely to:~~

415 | ~~1. Relate solely to the Interstate Commission's internal~~
 416 | ~~personnel practices and procedures;~~

417 | ~~2. Disclose matters specifically exempted from disclosure~~
 418 | ~~by federal and state statute;~~

419 | ~~3. Disclose trade secrets or commercial or financial~~
 420 | ~~information which is privileged or confidential;~~

421 4. ~~Involve accusing a person of a crime, or formally~~
 422 ~~censuring a person;~~

423 5. ~~Disclose information of a personal nature where~~
 424 ~~disclosure would constitute a clearly unwarranted invasion of~~
 425 ~~personal privacy;~~

426 6. ~~Disclose investigative records compiled for law~~
 427 ~~enforcement purposes; or~~

428 7. ~~Specifically relate to the Interstate Commission's~~
 429 ~~participation in a civil action or other legal proceeding.~~

430 H. ~~For a meeting, or portion of a meeting, closed pursuant~~
 431 ~~to this provision, the Interstate Commission's legal counsel or~~
 432 ~~designee shall certify that the meeting may be closed and shall~~
 433 ~~reference each relevant exemptible provision. The Interstate~~
 434 ~~Commission shall keep minutes which shall fully and clearly~~
 435 ~~describe all matters discussed in a meeting and shall provide a~~
 436 ~~full and accurate summary of actions taken, and the reasons~~
 437 ~~therefor, including a description of the views expressed and the~~
 438 ~~record of a roll call vote. All documents considered in~~
 439 ~~connection with an action shall be identified in such minutes.~~
 440 ~~All minutes and documents of a closed meeting shall remain under~~
 441 ~~seal, subject to release by a majority vote of the Interstate~~
 442 ~~Commission.~~

443 F.I. The Interstate Commission shall collect standardized
 444 data concerning the educational transition of the children of
 445 military families under this compact as directed through its
 446 rules which shall specify the data to be collected, the means of
 447 collection and data exchange, and reporting requirements. The
 448 methods of data collection, exchange, and reporting shall,

449 insofar as is reasonably possible, conform to current technology
 450 and coordinate its information functions with the appropriate
 451 custodian of records as identified in the bylaws and rules.

452 G.J. The Interstate Commission shall create a procedure
 453 that permits military officials, education officials, and
 454 parents to inform the Interstate Commission if and when there
 455 are alleged violations of the compact or its rules or when
 456 issues subject to the jurisdiction of the compact or its rules
 457 are not addressed by the state or local education agency. This
 458 section does not create a private right of action against the
 459 Interstate Commission or any member state.

460 ARTICLE X

461 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.—The
 462 Interstate Commission has the power to:

463 A. Provide for dispute resolution among member states.

464 B. Adopt rules and take all necessary actions to effect
 465 the goals, purposes, and obligations as enumerated in this
 466 compact. The rules have the force and effect of statutory law
 467 and are binding in the compact states to the extent and in the
 468 manner provided in this compact.

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

472 D. Enforce compliance with the compact provisions, the
 473 rules adopted by the Interstate Commission, and the bylaws,
 474 using all necessary and proper means, including, but not limited
 475 to, the use of judicial process.

476 E. Establish and maintain offices that shall be located

- 477 within one or more of the member states.
- 478 F. Purchase and maintain insurance and bonds.
- 479 G. Borrow, accept, hire, or contract for services of
480 personnel.
- 481 H. Establish and appoint committees, including, but not
482 limited to, an executive committee as required by Article IX,
483 Section E, which shall have the power to act on behalf of the
484 Interstate Commission in carrying out its powers and duties
485 hereunder.
- 486 I. Elect or appoint such officers, attorneys, employees,
487 agents, or consultants, and to fix their compensation, define
488 their duties, and determine their qualifications; and to
489 establish the Interstate Commission's personnel policies and
490 programs relating to conflicts of interest, rates of
491 compensation, and qualifications of personnel.
- 492 J. Accept any and all donations and grants of money,
493 equipment, supplies, materials, and services, and to receive,
494 utilize, and dispose of it.
- 495 K. Lease, purchase, accept contributions or donations of,
496 or otherwise to own, hold, improve, or use any property, real,
497 personal, or mixed.
- 498 L. Sell, convey, mortgage, pledge, lease, exchange,
499 abandon, or otherwise dispose of any property, real, personal,
500 or mixed.
- 501 M. Establish a budget and make expenditures.
- 502 N. Adopt a seal and bylaws governing the management and
503 operation of the Interstate Commission.
- 504 O. Report annually to the legislatures, governors,

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505 | judiciary, and state councils of the member states concerning
 506 | the activities of the Interstate Commission during the preceding
 507 | year. Such reports shall also include any recommendations that
 508 | may have been adopted by the Interstate Commission.

509 | P. Coordinate education, training, and public awareness
 510 | regarding the compact, its implementation, and operation for
 511 | officials and parents involved in such activity.

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

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

516 | S. Perform such functions as may be necessary or
 517 | appropriate to achieve the purposes of this compact.

518 | T. Provide for the uniform collection and sharing of
 519 | information between and among member states, schools, and
 520 | military families under this compact.

521 | ARTICLE XI

522 | ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.—

523 | A. The Interstate Commission shall, by a majority of the
 524 | members present and voting, within 12 months after the first
 525 | Interstate Commission meeting, adopt bylaws to govern its
 526 | conduct as may be necessary or appropriate to carry out the
 527 | purposes of the compact, including, but not limited to:

528 | 1. Establishing the fiscal year of the Interstate
 529 | Commission;

530 | 2. Establishing an executive committee and such other
 531 | committees as may be necessary;

532 | 3. Providing for the establishment of committees and for

533 governing any general or specific delegation of authority or
 534 function of the Interstate Commission;

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

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

540 6. Providing a mechanism for concluding the operations of
 541 the Interstate Commission and the return of surplus funds that
 542 may exist upon the termination of the compact after the payment
 543 and reserving of all of its debts and obligations.

544 7. Providing "start up" rules for initial administration
 545 of the compact.

546 B. The Interstate Commission shall, by a majority of the
 547 members, elect annually from among its members a chairperson, a
 548 vice chairperson, and a treasurer, each of whom shall have such
 549 authority and duties as may be specified in the bylaws. The
 550 chairperson or, in the chairperson's absence or disability, the
 551 vice chairperson shall preside at all meetings of the Interstate
 552 Commission. The officers so elected shall serve without
 553 compensation or remuneration from the Interstate Commission;
 554 provided that, subject to the availability of budgeted funds,
 555 the officers shall be reimbursed for ordinary and necessary
 556 costs and expenses incurred by them in the performance of their
 557 responsibilities as officers of the Interstate Commission.

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

560 1. Managing the affairs of the Interstate Commission in a

561 manner consistent with the bylaws and purposes of the Interstate
 562 Commission;

563 2. Overseeing an organizational structure within, and
 564 appropriate procedures for, the Interstate Commission to provide
 565 for the adoption of rules, operating procedures, and
 566 administrative and technical support functions; and

567 3. Planning, implementing, and coordinating communications
 568 and activities with other state, federal, and local government
 569 organizations in order to advance the goals of the Interstate
 570 Commission.

571 D. The executive committee may, subject to the approval of
 572 the Interstate Commission, appoint or retain an executive
 573 director for such period, upon such terms and conditions and for
 574 such compensation, as the Interstate Commission may deem
 575 appropriate. The executive director shall serve as secretary to
 576 the Interstate Commission but is not a member of the Interstate
 577 Commission. The executive director shall hire and supervise such
 578 other persons as may be authorized by the Interstate Commission.

579 E. The Interstate Commission's executive director and its
 580 employees are immune from suit and liability, either personally
 581 or in their official capacity, for a claim for damage to or loss
 582 of property or personal injury or other civil liability caused
 583 or arising out of, or relating to, an actual or alleged act,
 584 error, or omission that occurred, or that such person had a
 585 reasonable basis for believing occurred, within the scope of
 586 Interstate Commission employment, duties, or responsibilities,
 587 provided that the person is not protected from suit or liability
 588 for damage, loss, injury, or liability caused by the intentional

589 or willful and wanton misconduct of the person.

590 1. The liability of the Interstate Commission's executive
 591 director and employees or Interstate Commission representatives,
 592 acting within the scope of the person's employment or duties,
 593 for acts, errors, or omissions occurring within the person's
 594 state may not exceed the limits of liability set forth under the
 595 constitution and laws of that state for state officials,
 596 employees, and agents. The Interstate Commission is considered
 597 to be an instrumentality of the states for the purposes of any
 598 such action. This subsection does not protect the person from
 599 suit or liability for damage, loss, injury, or liability caused
 600 by the intentional or willful and wanton misconduct of the
 601 person.

602 2. The Interstate Commission shall defend the executive
 603 director and its employees and, subject to the approval of the
 604 Attorney General or other appropriate legal counsel of the
 605 member state represented by an Interstate Commission
 606 representative, shall defend an Interstate Commission
 607 representative in any civil action seeking to impose liability
 608 arising out of an actual or alleged act, error, or omission that
 609 occurred within the scope of Interstate Commission employment,
 610 duties, or responsibilities, or that the defendant had a
 611 reasonable basis for believing occurred within the scope of
 612 Interstate Commission employment, duties, or responsibilities,
 613 provided that the actual or alleged act, error, or omission did
 614 not result from intentional or willful and wanton misconduct on
 615 the part of the person.

616 3. To the extent not covered by the state involved, a

617 member state, the Interstate Commission, and the representatives
 618 or employees of the Interstate Commission shall be held harmless
 619 in the amount of a settlement or judgment, including attorney's
 620 fees and costs, obtained against a person arising out of an
 621 actual or alleged act, error, or omission that occurred within
 622 the scope of Interstate Commission employment, duties, or
 623 responsibilities, or that the person had a reasonable basis for
 624 believing occurred within the scope of Interstate Commission
 625 employment, duties, or responsibilities, provided that the
 626 actual or alleged act, error, or omission did not result from
 627 intentional or willful and wanton misconduct on the part of the
 628 person.

629 ARTICLE XII

630 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.—The
 631 Interstate Commission shall adopt rules to effectively and
 632 efficiently implement this act to achieve the purposes of this
 633 compact.

634 A. If the Interstate Commission exercises its rulemaking
 635 authority in a manner that is beyond the scope of the purposes
 636 of this act, or the powers granted hereunder, the action
 637 undertaken by the Interstate Commission is invalid and has no
 638 force or effect.

639 B. Rules must be adopted pursuant to a rulemaking process
 640 that substantially conforms to the "Model State Administrative
 641 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.
 642 1 (2000) as amended, as may be appropriate to the operations of
 643 the Interstate Commission.

644 C. No later than 30 days after a rule is adopted, a person

645 may file a petition for judicial review of the rule. The filing
 646 of the petition does not stay or otherwise prevent the rule from
 647 becoming effective unless a court finds that the petitioner has
 648 a substantial likelihood of success on the merits of the
 649 petition. The court shall give deference to the actions of the
 650 Interstate Commission consistent with applicable law and shall
 651 not find the rule to be unlawful if the rule represents a
 652 reasonable exercise of the Interstate Commission's authority.

653 D. If a majority of the legislatures of the compacting
 654 states rejects a rule by enactment of a statute or resolution in
 655 the same manner used to adopt the compact, then the rule is
 656 invalid and has no further force and effect in any compacting
 657 state.

658 ARTICLE XIII

659 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.—

660 A. The executive, legislative, and judicial branches of
 661 state government in each member state shall enforce this compact
 662 and shall take all actions necessary and appropriate to
 663 effectuate the compact's purposes and intent. The provisions of
 664 this compact and the rules adopted under it have the force and
 665 effect of statutory law.

666 B. All courts shall take judicial notice of the compact
 667 and its adopted rules in any judicial or administrative
 668 proceeding in a member state pertaining to the subject matter of
 669 this compact which may affect the powers, responsibilities, or
 670 actions of the Interstate Commission.

671 C. The Interstate Commission is entitled to receive all
 672 service of process in any such proceeding, and has standing to

673 | intervene in the proceeding for all purposes. Failure to provide
 674 | service of process to the Interstate Commission renders a
 675 | judgment or order void as to the Interstate Commission, this
 676 | compact, or its adopted rules.

677 | D. If the Interstate Commission determines that a member
 678 | state has defaulted in the performance of its obligations or
 679 | responsibilities under this compact, or the bylaws or the
 680 | adopted rules, the Interstate Commission shall:

681 | 1. Provide written notice to the defaulting state and
 682 | other member states of the nature of the default, the means of
 683 | curing the default, and any action taken by the Interstate
 684 | Commission. The Interstate Commission must specify the
 685 | conditions by which the defaulting state must cure its default.

686 | 2. Provide remedial training and specific technical
 687 | assistance regarding the default.

688 | 3. If the defaulting state fails to cure the default,
 689 | terminate the defaulting state from the compact upon an
 690 | affirmative vote of a majority of the member states and all
 691 | rights, privileges, and benefits conferred by this compact shall
 692 | be terminated from the effective date of termination. A cure of
 693 | the default does not relieve the offending state of obligations
 694 | or liabilities incurred during the period of the default.

695 | E. Suspension or termination of membership in the compact
 696 | may not be imposed on a member until all other means of securing
 697 | compliance have been exhausted. Notice of the intent to suspend
 698 | or terminate membership must be given by the Interstate
 699 | Commission to the Governor, the majority and minority leaders of
 700 | the defaulting state's legislature, and each of the member

701 states.

702 F. A state that has been suspended or terminated is
 703 responsible for all assessments, obligations, and liabilities
 704 incurred through the effective date of suspension or
 705 termination, including obligations, the performance of which
 706 extends beyond the effective date of suspension or termination.

707 G. The remaining member states of the Interstate
 708 Commission do not bear any costs arising from a state that has
 709 been found to be in default or that has been suspended or
 710 terminated from the compact, unless otherwise mutually agreed
 711 upon in writing between the Interstate Commission and the
 712 defaulting state.

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

719 I. The Interstate Commission shall attempt, upon the
 720 request of a member state, to resolve disputes that are subject
 721 to the compact and that may arise among member states and
 722 between member and nonmember states. The Interstate Commission
 723 shall promulgate a rule providing for both mediation and binding
 724 dispute resolution for disputes as appropriate.

725 1. The Interstate Commission, in the reasonable exercise
 726 of its discretion, shall enforce the provisions and rules of
 727 this compact.

728 2. The Interstate Commission may, by majority vote of the

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

739 3. The remedies herein are not the exclusive remedies of
 740 the Interstate Commission. The Interstate Commission may avail
 741 itself of any other remedies available under state law or the
 742 regulation of a profession.

743 ARTICLE XIV

744 FINANCING OF THE INTERSTATE COMMISSION.—

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

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

756 C. The Interstate Commission may not incur any obligation

757 of any kind before securing the funds adequate to meet the
 758 obligation and the Interstate Commission may not pledge the
 759 credit of any of the member states, except by and with the
 760 permission of the member state.

761 D. The Interstate Commission shall keep accurate accounts
 762 of all receipts and disbursements. The receipts and
 763 disbursements of the Interstate Commission are subject to audit
 764 and accounting procedures established under its bylaws. However,
 765 all receipts and disbursements of funds handled by the
 766 Interstate Commission shall be audited yearly by a certified or
 767 licensed public accountant, and the report of the audit shall be
 768 included in and become part of the annual report of the
 769 Interstate Commission.

770 ARTICLE XV

771 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.—

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

773 B. The compact shall take effect and be binding upon
 774 legislative enactment of the compact into law by not less than
 775 10 of the states. The effective date shall be no earlier than
 776 December 1, 2007. Thereafter, it shall become effective and
 777 binding as to any other member state upon enactment of the
 778 compact into law by that state. The governors of nonmember
 779 states or their designees shall be invited to participate in the
 780 activities of the Interstate Commission on a nonvoting basis
 781 before adoption of the compact by all states.

782 C. The Interstate Commission may propose amendments to the
 783 compact for enactment by the member states. An amendment does
 784 not become effective and binding upon the Interstate Commission

785 | and the member states until the amendment is enacted into law by
 786 | unanimous consent of the member states.

787 | ARTICLE XVI

788 | WITHDRAWAL AND DISSOLUTION.—

789 | A. Once in effect, the compact continues in force and
 790 | remains binding upon each and every member state, provided that
 791 | a member state may withdraw from the compact, specifically
 792 | repealing the statute that enacted the compact into law.

793 | 1. Withdrawal from the compact occurs when a statute
 794 | repealing its membership is enacted by the state, but does not
 795 | take effect until 1 year after the effective date of the statute
 796 | and until written notice of the withdrawal has been given by the
 797 | withdrawing state to the Governor of each other member state.

798 | 2. The withdrawing state must immediately notify the
 799 | chairperson of the Interstate Commission in writing upon the
 800 | introduction of legislation repealing this compact in the
 801 | withdrawing state. The Interstate Commission shall notify the
 802 | other member states of the withdrawing state's intent to
 803 | withdraw within 60 days after its receipt thereof.

804 | 3. A withdrawing state is responsible for all assessments,
 805 | obligations, and liabilities incurred through the effective date
 806 | of withdrawal, including obligations, the performance of which
 807 | extend beyond the effective date of withdrawal.

808 | 4. Reinstatement following withdrawal of a member state
 809 | shall occur upon the withdrawing state reenacting the compact or
 810 | upon such later date as determined by the Interstate Commission.

811 | B. This compact shall dissolve effective upon the date of
 812 | the withdrawal or default of the member state which reduces the

813 membership in the compact to one member state.

814 C. Upon the dissolution of this compact, the compact
 815 becomes void and has no further force or effect, and the
 816 business and affairs of the Interstate Commission shall be
 817 concluded and surplus funds shall be distributed in accordance
 818 with the bylaws.

819 ARTICLE XVII

820 SEVERABILITY AND CONSTRUCTION.—

821 A. The provisions of this compact shall be severable, and
 822 if any phrase, clause, sentence, or provision is deemed
 823 unenforceable, the remaining provisions of the compact shall be
 824 enforceable.

825 B. The provisions of this compact shall be liberally
 826 construed to effectuate its purposes.

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

829 ARTICLE XVIII

830 BINDING EFFECT OF COMPACT AND OTHER LAWS.—

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

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

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

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

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

846 Section 3. Sections 1000.36, 1000.37, 1000.38, and
847 1000.39, Florida Statutes, shall stand repealed 3 years after
848 the effective date of this act unless reviewed and saved from
849 repeal through reenactment by the Legislature.

850 Section 4. This act shall take effect upon becoming a law.