

## **BILL ANALYSIS**

Senate Research Center

S.B. 90  
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Veteran Affairs & Military Installations  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Military families move several times over the course of the service member's career, which can be challenging to the children of military families. While the military has taken steps to ease the transition of personnel and their families, much remains to be accomplished at the state and federal level to ensure that the children of military families are afforded the same opportunities for educational success as other children.

On the average, children of military personnel encounter transitional challenges at least twice during high school and attend six to nine different schools from kindergarten to twelfth grade. The impacts of reassignment and long deployments must be considered, in order to retain military personnel and to ensure the readiness of the armed forces.

This legislation provides a level playing field regarding scholastic requirements for military children. The bill provides for the adoption of the Interstate Compact on Educational Opportunity for Military Children, which can lessen the negative impacts of deployments on the quality of life of military personnel and their families by providing a consistent, orderly transition and entry into a school upon arrival in a new state. This legislation also provides an indication of support and appreciation from the State of Texas to military families for their service and demonstrates that as a state we desire to eliminate barriers that interfere with the education of military children.

S.B. 90 enacts the Interstate Compact on Educational Opportunity for Military Children.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Interstate Commission on Educational Opportunity for Military Children in SECTION 1 (Section 162.002, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 162.002, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 4, Education Code, by adding Chapter 162, as follows:

#### **CHAPTER 162. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

Sec. 162.001. DEFINITIONS. Defines "compact" and "compact commissioner."

Sec. 162.002. EXECUTION OF COMPACT. Establishes that this state enacts the Interstate Compact on Educational Opportunity for Military Children (compact) and enters into the compact with all other states legally joining in the compact in substantially the following form:

#### **INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

##### **ARTICLE I. PURPOSE**

Establishes that 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 facilitating, providing for, and promoting certain actions.

## ARTICLE II. DEFINITIONS

Defines, as used in this compact unless the context clearly requires a different construction: "active duty," "children of military families," "compact commissioner," "deployment," "education(al) records," "extracurricular activities," "Interstate Commission on Educational Opportunity for Military Children" (commission), "local education agency," "member state," "military installation," "non-member state," "receiving state," "rule," "sending state," "state," "student," "transition," "uniformed service(s)," and "veteran."

## ARTICLE III. APPLICABILITY

A. Requires that this compact, except as otherwise provided in Section B, apply to the children of:

1. active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;
2. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
3. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. Requires that the provisions of this compact only apply to local education agencies as defined in this compact.

C. Prohibits the provisions of this compact from applying to the children of inactive members of the national guard and military reserves; members of the uniformed services now retired, except as provided in Section A; veterans of the uniformed services, except as provided in Section A; and other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

## ARTICLE IV. EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "hand-carried" education records--Requires the custodian of the records in the sending state to prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the commission, in the event that official education records cannot be released to the parents for the purpose of transfer. Requires a school in the receiving state to enroll and appropriately place the student, based on the information provided in the unofficial records pending validation by the official records, upon receipt of the unofficial education records, as quickly as possible.

B. Official education records/transcripts--Requires the school in the receiving state to request the student's official education record from the school in the sending state, simultaneous with the enrollment and conditional placement of the student. Requires the school in the sending state upon receipt of this request to process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the commission.

C. Immunizations--Requires compacting states to give 30 days from the date of enrollment or within such time that does not exceed 30 days as is reasonably determined under the rules promulgated by the commission, for students to obtain any immunization(s) required by the receiving state. Requires that, for a series of immunizations, initial vaccinations be obtained within thirty days or within such time that does not exceed 30 days as is reasonably determined under the rules promulgated by the commission. Requires that the collection and exchange of information pertaining to immunizations be subject to confidentiality provisions prescribed by federal law.

D. Kindergarten and first grade entrance age--Requires that students be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. Requires that a student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. Requires a student transferring after the start of the school year in the receiving state to enter the school in the receiving state on their validated level from an accredited school in the sending state.

#### ARTICLE V. PLACEMENT AND ATTENDANCE

A. Course placement--Requires the receiving state school, when the student transfers before or during the school year, to initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Includes but does not limit course placement to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Requires that continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses be paramount when considering placement. Authorizes the school in the receiving state to perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

B. Educational program placement--Requires the receiving state school to initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Provides that the programs include but are not limited to gifted and talented programs and English as a second language (ESL). Authorizes the school in the receiving state to perform subsequent evaluations to ensure appropriate placement of the student.

C. Special education services--Requires the receiving state, in compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1400 et seq.), to initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and requires the receiving state, in compliance with the requirements of Section 504 of the Rehabilitation Act (29 U.S.C.A. Section 794) and Title II of the Americans with Disabilities Act (42 U.S.C.A. Sections 12131-12165), to make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. Authorizes the school in the receiving state to perform subsequent evaluations to ensure appropriate placement of the student.

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

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

## ARTICLE VI. ELIGIBILITY

### A. Eligibility for enrollment

1. Requires that special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.
2. Prohibits a local education agency from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.
3. Authorizes a transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, to continue to attend the school in which he/she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation--Requires state and local education agencies to facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

## ARTICLE VII. GRADUATION

Requires states and local education agencies, in order to facilitate the on-time graduation of children of military families, to incorporate the following procedures:

- A. Waiver requirements--Requires local education agency administrative officials to waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or provide reasonable justification for denial. Requires the local education agency, should a waiver not be granted to a student who would qualify to graduate from the sending school, to provide an alternative means of acquiring required coursework so that graduation may occur on time.
- B. Exit exams--Requires states to accept exit or end-of-course exams required for graduation from the sending state or national norm-referenced achievement tests or alternative testing, in lieu of testing requirements for graduation in the receiving state. Requires that the provisions of Article VII, Section C, be applied in the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year.
- C. Transfers during senior year--Requires the sending and receiving local education agencies to ensure the receipt of a diploma from the sending local education agency, if a military student transfers at the beginning or during his/her senior year, is ineligible to graduate from the receiving local education agency after all alternatives have been considered, and the student meets the graduation requirements of the sending local education agency. Requires the member state to use best efforts to facilitate the on-time graduation of the student in accordance

with Sections A and B of this article, if one of the states in question is not a member of this compact.

Requires the Texas commissioner of education to adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a student to whom this compact applies to meet that standard as a substitute for completing a specific course or achieving a score on an assessment instrument otherwise required by this state for graduation. Requires that each passing standard be at least as rigorous as the applicable requirement otherwise imposed by this state for graduation, and be consistent with college readiness standards adopted under Section 28.008 (Advancement of College Readiness in Curriculum), Texas Education Code. Requires the commissioner of education, before adopting or revising a passing standard, to consider any comments submitted by the Texas Higher Education Coordinating Board (THECB) or the State Board of Education.

Provides that a passing standard adopted by the commissioner of education is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the 10th grade level after an absence of at least two years from the public schools of this state. Provides that each passing standard in effect when a student first enrolls in a public high school in this state remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Authorizes the commissioner of education to adopt rules as necessary to implement the commissioner's duties and authority under this article of the compact.

Requires THECB to monitor the postsecondary educational performance in this state of students permitted to graduate in accordance with passing standards adopted by the commissioner of education for purposes of this compact. Requires THECB, based on the educational performance of those students in private and public institutions, to make recommendations to the commissioner of education regarding appropriate revisions of the passing standards.

## ARTICLE VIII. STATE COORDINATION

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

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

C. Requires the compact commissioner responsible for the administration and management of the state's participation in the compact to be appointed by the governor or as otherwise determined by each member state.

D. Requires the compact commissioner and the military family education liaison to be ex-officio members of the State Council, unless either is already a full voting member of the State Council.

#### ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Establishes that the member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." Provides that the activities of the Interstate Commission are the formation of public policy and are a discretionary state function. Requires that the commission:

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

B. Consist of one commission voting representative from each member state who is required to be that state's compact commissioner.

1. Entitles each member state represented at a meeting of the commission to one vote.

2. Requires that a majority of the total member states constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the commission.

3. Prohibits a representative from delegating a vote to another member state. Authorizes the governor or State Council to delegate voting authority to another person from their state for a specified meeting in the event the compact commissioner is unable to attend a meeting of the commission.

4. Authorizes the bylaws to provide for meetings of the commission to be conducted by telecommunication or electronic communication.

C. Consist of ex-officio, non-voting representatives who are members of interested organizations. Authorizes certain people to be such ex-officio members.

D. Meet at least once each calendar year. Authorizes the chairperson to call additional meetings and, upon the request of a simple majority of the member states, requires the chairperson to call additional meetings.

E. Establish an executive committee, whose members are required include the officers of the commission and such other members of the commission as determined by the bylaws. Requires members of the executive committee to serve a one year term. Requires members of the executive committee to be entitled to one vote each. Requires the executive committee to have the power to act on behalf of the commission, with the exception of rulemaking, during periods when the commission is not session. Requires the executive committee to oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. Requires that the U.S. Department of Defense serve as an ex-officio, non-voting member of the executive committee.

F. Establish bylaws and rules that provide for conditions and procedures under which the commission is required to make its information and official records available to the public for inspection or copying. Authorizes the commission to

exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

G. Give public notice of all meetings and requires all meetings to be open to the public, except as set forth in the rules or as otherwise provided in the compact. Sets forth conditions under which the commission and its committees may close a meeting, or portion thereof, by a two-thirds vote.

H. Requires that its legal counsel or designee certify that a meeting is authorized to be closed and requires its legal counsel or designee to reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. Requires that the commission keep minutes which fully and clearly describe all matters discussed in a meeting and 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. Requires that all documents considered in connection with an action be identified in such minutes. Requires that all minutes and documents of a closed meeting remain under seal, subject to release by a majority vote of the commission.

I. Requires the collection of standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which are required to specify the data to be collected, the means of collection and data exchange, and reporting requirements. Requires such methods of data collection, exchange, and reporting, in so far as is reasonably possible, to conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

J. Requires creation of a process that permits military officials, education officials, and parents to inform the 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. Prohibits this section from being construed to create a private right of action against the commission or any member state.

#### ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

Requires that the commission have the power to:

A. Provide for dispute resolution among member states.

B. Promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. Requires that the rules have the force and effect of statutory law and be binding in the compact states to the extent and in the manner provided in this compact.

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

D. Enforce compliance with the compact provisions, the rules promulgated by the commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

E. Establish and maintain offices required to be located within one or more of the member states.

F. Purchase and maintain insurance and bonds.

G. Borrow, accept, hire, or contract for services of personnel.

H. Establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section E, which is required to have the power to act on behalf of the commission in carrying out its powers and duties hereunder.

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

J. Accept any and all donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of it.

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

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

M. Establish a budget and make expenditures.

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

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

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

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

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

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

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

#### ARTICLE XI. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. Requires the commission, by a majority of the members present and voting, within 12 months after the first commission meeting, to adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact. Sets forth certain procedures and provisions to be included, but not limited to, in the bylaws.

B. Requires that the commission, 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. Requires the chairperson or the vice-chairperson, in the chairperson's absence or disability, to preside at all meetings of the commission. Requires the elected officers to serve without compensation or remuneration from the commission, provided that, subject to the availability of budgeted funds, the officers be reimbursed for ordinary and necessary costs and expenditures incurred by them in the performance of their responsibilities as officers of the commission.



C. Executive Committee, Officers, and Personnel

1. Requires the executive committee to have such authority and duties as may be set forth in the bylaws. Sets forth certain authority and duties to be included but not limited to, in the bylaws.
2. Authorizes that the executive committee, subject to the commission's approval, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the commission is authorized to deem appropriate. Requires the executive director to serve as secretary to the commission, but not to be a member of the commission. Requires the executive director to hire and supervise such other persons as may be authorized by the commission.

D. Requires that the commission's executive director and its employees 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 liability 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 the commission's role. Provides that such person not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or wilful and wanton misconduct of such person.

1. Prohibits the liability of the commission's executive director, employees, or representatives, acting within such person's role for acts, errors, or omissions occurring within such person's state, from exceeding the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. Provides that the commission is to be considered to be an instrumentality of the states, for the purposes of any such action. Prohibits anything in this subsection from being construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or wilful and wanton misconduct of such person.
2. Requires the commission to 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 a commission representative, to defend such commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred, or that the defendant had a reasonable basis for believing occurred, within the scope of the commission's role, provided that the actual or alleged act, error, or omission did not result from intentional or wilful and wanton misconduct on the part of such person.
3. Requires that the member state, or the commission, the representatives or employees of the commission, to the extent not covered by the state involved, be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred, or that such persons had a reasonable basis for believing occurred, within the scope of such person's commission role, provided that the actual or alleged act, error, or omission did not result from intentional or wilful and wanton misconduct on the part of such persons.

ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking Authority--Requires that the commission promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Requires that, notwithstanding the foregoing, an action by the commission be

invalid and have no force or effect, if the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder.

B. Rulemaking Procedure--Requires that rules be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981 Act, Uniform Laws Annotated, Volume 15, page 1 (2000), as amended, as may be appropriate to the operations of the commission.

C. Authorizes any person to file a petition for judicial review of the rule, not later than 30 days after a rule is promulgated. Prohibits the petition from staying or otherwise preventing the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. Requires the court to give deference to the actions of the commission consistent with applicable law and prohibits the court from finding the rule to be unlawful if the rule represents a reasonable exercise of the commission's authority.

D. Prohibits a rule from having further force and effect in any compacting state if a majority of the legislatures of the compacting states rejects the rule by enactment of a statute or resolution in the same manner used to adopt the compact.

### ARTICLE XIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

#### A. Oversight

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

2. Requires that all courts take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

3. Entitles the commission to receive all service of process in any such proceeding, and to have standing to intervene in the proceeding for all purposes. Requires that a failure to provide service of process to the commission renders a judgment or order void as to the commission, this compact, or promulgated rules.

B. Default, Technical Assistance, Suspension, and Termination--Requires the commission, if it determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, to:

1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the commission. Requires that the commission specify the conditions by which the defaulting state must cure its default.

2. Provide remedial training and technical assistance regarding the default.

3. Requires that the defaulting state and its rights, privileges, and benefits conferred by this compact be terminated from the compact upon an affirmative vote of a majority of the member states, if the defaulting state fails to cure the default. Provides that a cure of the default does not

relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Requires that the suspension or termination of membership in the compact be imposed only after all other means of securing compliance have been exhausted. Requires the commission to give notice of intent to suspend or terminate to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

5. Provides that the suspended or terminated state is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

6. Prohibits the commission from bearing any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the commission and the defaulting state.

7. Authorizes the defaulting state to appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices. Requires the prevailing party to be awarded all costs of such litigation including reasonable attorney's fees.

#### C. Dispute Resolution

1. Requires that the commission attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.

2. Requires that the commission promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

#### D. Enforcement

1. Requires that the commission, in the reasonable exercise of its discretion, enforce the provisions and rules of this compact.

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

3. Prohibits the remedies herein from being the exclusive remedies of the commission. Authorizes the commission to avail itself of any other remedies available under state law or the regulation of a profession.

### ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION

A. Requires that the commission pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. Authorizes the commission to levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the commission and its staff. Requires that the assessment be in a total amount

sufficient to cover the commission's annual budget as approved each year. Requires that the aggregate annual assessment amount be allocated based upon a formula to be determined by the commission, which is required to promulgate a rule binding upon all member states.

C. Prohibits the commission from incurring obligations of any kind prior to securing the funds adequate to meet the same and also prohibits the commission from pledging the credit of any of the member states, except by and with the authority of the member state.

D. Requires that the commission keep accurate accounts of all receipts and disbursements, which are subject to the audit and accounting procedures established under its bylaws. Requires that all receipts and disbursements of funds handled by the commission be audited yearly by a certified or licensed public accountant and requires that the report of the audit be included in the annual report of the commission.

#### ARTICLE XV. MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Provides that any state is eligible to become a member state.

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

C. Authorizes the commission to propose amendments to the compact for enactment by the member states. Prohibits any amendment from becoming effective and binding upon the commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

#### ARTICLE XVI. WITHDRAWAL AND DISSOLUTION

##### A. Withdrawal

1. Requires that the compact, once effective, continue in force and remain binding upon each and every member state; authorizes a member state to withdraw from the compact by specifically repealing the statute which enacted the compact into law.

2. Requires that withdrawal from this compact be by the enactment of a statute repealing the same, but prohibits the withdrawal from taking effect until one year after the effective date of such statute and until written notice of the withdrawal has been given to the governor of each other member jurisdiction.

3. Requires that the withdrawing state, upon the introduction of legislation repealing this compact, immediately notify the chairperson of the commission in writing. Requires that the commission notify the other member states of the intended withdrawal within 60 days of its receipt thereof.

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

5. Requires that reinstatement of a member state following withdrawal occur upon the withdrawing state reenacting the compact or upon such later date as determined by the commission.

#### B. Dissolution of Compact

1. Requires that this compact dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.
2. Requires that the compact, upon the dissolution of the compact, becomes null and void and be of no further force or effect, and the business and affairs of the commission be concluded and surplus funds be distributed in accordance with the bylaws.

### ARTICLE XVII. SEVERABILITY AND CONSTRUCTION

Requires that the provisions of this compact be severable, and if any phrase, clause, sentence, or provision be deemed unenforceable, the remaining provisions of the compact be required to be enforceable. Requires that the provisions of the compact be liberally construed to effectuate its purposes. Requires that nothing in this compact be construed to prohibit the applicability of other interstate compacts to which the states are members.

### ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS

#### A. Other Laws

1. Provides that nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.
2. Provides that all member states' laws conflicting with this compact are superseded to the extent of the conflict.

#### B. Binding Effect of the Compact

1. Provides that all lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.
2. Provides that all agreements between the commission and the member states are binding in accordance with their terms.
3. Requires that in the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision be ineffective to the extent of the conflict with the constitutional provision in question in that state.

Sec. 162.003. EFFECT ON TEXAS LAWS. Provides that if the laws of this state conflict with the compact or a rule adopted under that compact, the compact or rule controls, except that if a conflict exists between the compact or rule and the Texas Constitution, as determined by the courts of this state, the Texas Constitution controls.

Sec. 162.004. COMPACT COMMISSIONER. (a) Requires the governor to appoint a compact commissioner to be responsible for administration and management of this state's participation in the compact.

(b) Requires the governor to delegate voting authority to another individual from this state at a specific meeting of the commission, if the compact commissioner is unable to attend.

(c) Provides that the compact commissioner serves at the will of the governor.

Sec. 162.005. STATE COORDINATION. (a) Requires the Texas Education Agency (TEA) to provide for coordination among state agencies, school districts, and military installations concerning this state's participation in and compliance with the compact and compact activities, as required by Article VIII of the compact.

(b) Requires TEA or the commissioner of education, to the extent that the compact requires or authorizes a State Council created in accordance with Article VIII of the compact to perform a duty or function, to perform that duty or function.

SECTION 2. Amends Section 25.005(a), Education Code, to require that TEA, to facilitate the transfer of military personnel and their dependents to and from the public schools of this state, pursue reciprocity agreements governing the terms of those transfers with other states that are not parties to the compact adopted under Chapter 162.

SECTION 3. Effective date: upon passage or September 1, 2009.