

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5248**

61st Legislature  
2009 Regular Session

Passed by the Senate April 20, 2009  
YEAS 43 NAYS 1

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**President of the Senate**

Passed by the House April 13, 2009  
YEAS 98 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5248** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**



1 children of military families are not disadvantaged by variations in  
2 attendance requirements, scheduling, sequencing, grading, course  
3 content, or assessment;

4 C. Facilitating the qualification and eligibility for enrollment,  
5 educational programs, and participation in extracurricular academic,  
6 athletic, and social activities;

7 D. Facilitating the on-time graduation of children of military  
8 families;

9 E. Providing for the promulgation and enforcement of  
10 administrative rules implementing the provisions of this compact;

11 F. Providing for the uniform collection and sharing of information  
12 between and among member states, schools, and military families under  
13 this compact;

14 G. Promoting coordination between this compact and other compacts  
15 affecting military children; and

16 H. Promoting flexibility and cooperation between the educational  
17 system, parents, and the student in order to achieve educational  
18 success for the student.

19 ARTICLE II

20 DEFINITIONS

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

23 A. "Active duty" means full-time duty status in the active  
24 uniformed service of the United States, including members of the  
25 national guard and reserve on active duty orders pursuant to 10 U.S.C.  
26 Secs. 1209 and 1211.

27 B. "Children of military families" means school-aged children,  
28 enrolled in kindergarten through twelfth grade, in the household of an  
29 active duty member.

30 C. "Compact commissioner" means the voting representative of each  
31 compacting state appointed pursuant to Article VIII of this compact.

32 D. "Deployment" means the period one month prior to the service  
33 members' departure from their home station on military orders through  
34 six months after return to their home station.

35 E. "Education records" or "educational records" means those  
36 official records, files, and data directly related to a student and  
37 maintained by the school or local education agency, including but not  
38 limited to, records encompassing all the material kept in the student's

1 cumulative folder such as general identifying data, records of  
2 attendance and of academic work completed, records of achievement and  
3 results of evaluative tests, health data, disciplinary status, test  
4 protocols, and individualized education programs.

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

11 G. "Interstate commission on educational opportunity for military  
12 children" means the commission that is created under Article IX of this  
13 compact, which is generally referred to as the interstate commission.

14 H. "Local education agency" means a public authority legally  
15 constituted by the state as an administrative agency to provide control  
16 of and direction for kindergarten through twelfth grade public  
17 educational institutions.

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

19 J. "Military installation" means a base, camp, post, station,  
20 yard, center, homeport facility for any ship, or other activity under  
21 the jurisdiction of the United States department of defense, including  
22 any leased facility, which is located within any of the several states,  
23 the District of Columbia, the Commonwealth of Puerto Rico, the U.S.  
24 Virgin Islands, Guam, American Samoa, the Northern Marianas Islands,  
25 and any other U.S. territory. Such term does not include any facility  
26 used primarily for civil works, rivers and harbors projects, or flood  
27 control projects.

28 K. "Nonmember state" means a state that has not enacted this  
29 compact.

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

32 M. "Rule" means a written statement by the interstate commission  
33 promulgated pursuant to Article XII of this compact that is of general  
34 applicability, implements, interprets, or prescribes a policy or  
35 provision of the compact, or an organizational, procedural, or practice  
36 requirement of the interstate commission, and has the force and effect  
37 of statutory law in a member state, and includes the amendment, repeal,  
38 or suspension of an existing rule.

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

3 O. "State" means a state of the United States, the District of  
4 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,  
5 Guam, American Samoa, the Northern Marianas Islands, and any other U.S.  
6 territory.

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

10 Q. "Transition" means: (1) The formal and physical process of  
11 transferring from school to school; or (2) the period of time in which  
12 a student moves from one school in the sending state to another school  
13 in the receiving state.

14 R. "Uniformed services" means the army, navy, air force, marine  
15 corps, and coast guard, as well as the commissioned corps of the  
16 national oceanic and atmospheric administration, and public health  
17 services.

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

21 ARTICLE III  
22 APPLICABILITY

23 A. Except as otherwise provided in section B of this article, this  
24 compact shall apply to the children of:

25 1. Active duty members of the uniformed services as defined in  
26 this compact, including members of the national guard and reserve on  
27 active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211;

28 2. Members or veterans of the uniformed services who are severely  
29 injured and medically discharged or retired for a period of one year  
30 after medical discharge or retirement; and

31 3. Members of the uniformed services who die on active duty or as  
32 a result of injuries sustained on active duty for a period of one year  
33 after death.

34 B. The provisions of this interstate compact shall only apply to  
35 local education agencies as defined in this compact.

36 C. The provisions of this compact shall not apply to the children  
37 of:

38 1. Inactive members of the national guard and military reserves;



1 initial vaccinations must be obtained within thirty days or within such  
2 time as is reasonably determined under the rules promulgated by the  
3 interstate commission.

4 D. Kindergarten and first grade entrance age - Students shall be  
5 allowed to continue their enrollment at grade level in the receiving  
6 state commensurate with their grade level (including kindergarten) from  
7 a local education agency in the sending state at the time of  
8 transition, regardless of age. A student who has satisfactorily  
9 completed the prerequisite grade level in the local education agency in  
10 the sending state shall be eligible for enrollment in the next highest  
11 grade level in the receiving state, regardless of age. A student  
12 transferring after the start of the school year in the receiving state  
13 shall enter the school in the receiving state on his or her validated  
14 level from an accredited school in the sending state.

#### 15 ARTICLE V

#### 16 PLACEMENT AND ATTENDANCE

17 A. Course placement - When the student transfers before or during  
18 the school year, the receiving state school shall initially honor  
19 placement of the student in educational courses based on the student's  
20 enrollment in the sending state school and/or educational assessments  
21 conducted at the school in the sending state if the courses are offered  
22 and if space is available, as determined by the school district.  
23 Course placement includes but is not limited to honors, international  
24 baccalaureate, advanced placement, vocational, technical, and career  
25 pathways courses. Continuing the student's academic program from the  
26 previous school and promoting placement in academically and career  
27 challenging courses should be paramount when considering placement.  
28 This does not preclude the school in the receiving state from  
29 performing subsequent evaluations to ensure appropriate placement and  
30 continued enrollment of the student in the courses.

31 B. Educational program placement - The receiving state school  
32 shall initially honor placement of the student in educational programs  
33 based on current educational assessments conducted at the school in the  
34 sending state or participation and placement in like programs in the  
35 sending state and if space is available, as determined by the school  
36 district. Such programs include, but are not limited to: (1) Gifted  
37 and talented programs; and (2) English as a second language (ESL).

1 This does not preclude the school in the receiving state from  
2 performing subsequent evaluations to ensure appropriate placement of  
3 the student.

4 C. Special education services - (1) In compliance with the federal  
5 requirements of the Individuals with Disabilities Education Act (IDEA),  
6 20 U.S.C. Sec. 1400 et seq., the receiving state shall initially  
7 provide comparable services to a student with disabilities based on his  
8 or her current Individualized Education Program (IEP); and (2) in  
9 compliance with the requirements of section 504 of the rehabilitation  
10 act, 29 U.S.C. Sec. 794, and with Title II of the Americans with  
11 disabilities act, 42 U.S.C. Secs. 12131-12165, the receiving state  
12 shall make reasonable accommodations and modifications to address the  
13 needs of incoming students with disabilities, subject to an existing  
14 504 or Title II plan, to provide the student with equal access to  
15 education. This does not preclude the school in the receiving state  
16 from performing subsequent evaluations to ensure appropriate placement  
17 of the student.

18 D. Placement flexibility - Local education agency administrative  
19 officials shall have flexibility in waiving course and program  
20 prerequisites, or other preconditions for placement in courses and  
21 programs offered under the jurisdiction of the local education agency.

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

30 ARTICLE VI  
31 ELIGIBILITY

32 A. Eligibility for enrollment

33 1. Special power of attorney, relative to the guardianship of a  
34 child of a military family and executed under applicable law shall be  
35 sufficient for the purposes of enrollment and all other actions  
36 requiring parental participation and consent.

37 2. A local education agency shall be prohibited from charging



1 local tuition to a transitioning military child placed in the care of  
2 a noncustodial parent or other person standing in loco parentis who  
3 lives in a jurisdiction other than that of the custodial parent.

4 3. A transitioning military child, placed in the care of a  
5 noncustodial parent or other person standing in loco parentis who lives  
6 in a jurisdiction other than that of the custodial parent, may continue  
7 to attend the school in which he or she was enrolled while residing  
8 with the custodial parent.

9 B. Eligibility for extracurricular participation - Under RCW  
10 28A.225.280, the Washington interscholastic activities association and  
11 local education agencies shall facilitate the opportunity for  
12 transitioning military children's inclusion in extracurricular  
13 activities, regardless of application deadlines, to the extent they are  
14 otherwise qualified and space is available, as determined by the school  
15 district.

16 ARTICLE VII

17 GRADUATION

18 In order to facilitate the on-time graduation of children of  
19 military families, states and local education agencies shall  
20 incorporate the following procedures:

21 A. Waiver requirements - Local education agency administrative  
22 officials shall waive specific courses required for graduation if  
23 similar coursework has been satisfactorily completed in another local  
24 education agency or shall provide reasonable justification for denial.  
25 Should a waiver not be granted to a student who would qualify to  
26 graduate from the sending school, the local education agency shall use  
27 best efforts to provide an alternative means of acquiring required  
28 coursework so that graduation may occur on time.

29 B. Exit exams - For students entering high school in eleventh or  
30 twelfth grade, states shall accept: (1) Exit or end-of-course exams  
31 required for graduation from the sending state; or (2) national norm-  
32 referenced achievement tests; or (3) alternative testing, in lieu of  
33 testing requirements for graduation in the receiving state. In the  
34 event the above alternatives cannot be accommodated by the receiving  
35 state for a student transferring in his or her senior year, then the  
36 provisions of section C of this article shall apply.

37 C. Transfers during senior year - Should a military student  
38 transferring at the beginning or during his or her senior year be

1 ineligible to graduate from the receiving local education agency after  
2 all alternatives have been considered, the sending and receiving local  
3 education agencies shall ensure the receipt of a diploma from the  
4 sending local education agency, if the student meets the graduation  
5 requirements of the sending local education agency. In the event that  
6 one of the states in question is not a member of this compact, the  
7 member state shall use best efforts to facilitate the on-time  
8 graduation of the student in accordance with sections A and B of this  
9 article.

10 ARTICLE VIII

11 STATE COORDINATION

12 A. Each member state shall, through the creation of a state  
13 council or use of an existing body or board, provide for the  
14 coordination among its agencies of government, local education  
15 agencies, and military installations concerning the state's  
16 participation in, and compliance with, this compact and interstate  
17 commission activities. While each member state may determine the  
18 membership of its own state council, its membership must include at  
19 least: The state superintendent of public instruction, a  
20 superintendent of a school district with a high concentration of  
21 military children, a representative from a military installation, one  
22 representative each from the legislative and executive branches of  
23 government, and other offices and stakeholder groups the state council  
24 deems appropriate. A member state that does not have a school district  
25 deemed to contain a high concentration of military children may appoint  
26 a superintendent from another school district to represent local  
27 education agencies on the state council.

28 B. The state council of each member state shall appoint or  
29 designate a military family education liaison to assist military  
30 families and the state in facilitating the implementation of this  
31 compact.

32 C. The compact commissioner responsible for the administration and  
33 management of the state's participation in the compact shall be  
34 appointed by the governor or as otherwise determined by each member  
35 state. The governor is strongly encouraged to appoint a practicing K-  
36 12 educator as the compact commissioner.

37 D. The compact commissioner and the military family education

1 liaison designated herein shall be ex officio members of the state  
2 council, unless either is already a full voting member of the state  
3 council.

4 ARTICLE IX

5 INTERSTATE COMMISSION ON EDUCATIONAL  
6 OPPORTUNITY FOR MILITARY CHILDREN

7 The member states hereby create the "interstate commission on  
8 educational opportunity for military children." The activities of the  
9 interstate commission are the formation of public policy and are a  
10 discretionary state function. The interstate commission shall:

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

16 B. Consist of one interstate commission voting representative from  
17 each member state who shall be that state's compact commissioner.

18 1. Each member state represented at a meeting of the interstate  
19 commission is entitled to one vote.

20 2. A majority of the total member states shall constitute a quorum  
21 for the transaction of business, unless a larger quorum is required by  
22 the bylaws of the interstate commission.

23 3. A representative shall not delegate a vote to another member  
24 state. In the event the compact commissioner is unable to attend a  
25 meeting of the interstate commission, the governor or state council may  
26 delegate voting authority to another person from their state for a  
27 specified meeting.

28 4. The bylaws may provide for meetings of the interstate  
29 commission to be conducted by telecommunication or electronic  
30 communication;

31 C. Consist of ex officio, nonvoting representatives who are  
32 members of interested organizations. Such ex officio members, as  
33 defined in the bylaws, may include but not be limited to, members of  
34 the representative organizations of military family advocates, local  
35 education agency officials, parent and teacher groups, the U.S.  
36 department of defense, the education commission of the states, the  
37 interstate agreement on the qualification of educational personnel, and

1 other interstate compacts affecting the education of children of  
2 military members;

3 D. Meet at least once each calendar year. The chairperson may  
4 call additional meetings and, upon the request of a simple majority of  
5 the member states, shall call additional meetings;

6 E. Establish an executive committee, whose members shall include  
7 the officers of the interstate commission and such other members of the  
8 interstate commission as determined by the bylaws. Members of the  
9 executive committee shall serve a one-year term. Members of the  
10 executive committee shall be entitled to one vote each. The executive  
11 committee shall have the power to act on behalf of the interstate  
12 commission, with the exception of rule making, during periods when the  
13 interstate commission is not in session. The executive committee shall  
14 oversee the day-to-day activities of the administration of the compact  
15 including enforcement and compliance with the provisions of the  
16 compact, its bylaws and rules, and other such duties as deemed  
17 necessary. The U.S. department of defense shall serve as an ex  
18 officio, nonvoting member of the executive committee;

19 F. Establish bylaws and rules that provide for conditions and  
20 procedures under which the interstate commission shall make its  
21 information and official records available to the public for inspection  
22 or copying. The interstate commission may exempt from disclosure  
23 information or official records to the extent they would adversely  
24 affect personal privacy rights or proprietary interests;

25 G. Give public notice of all meetings and all meetings shall be  
26 open to the public, except as set forth in the rules or as otherwise  
27 provided in the compact. The interstate commission and its committees  
28 may close a meeting, or portion thereof, where it determines by  
29 two-thirds vote that an open meeting would be likely to:

30 1. Relate solely to the interstate commission's internal personnel  
31 practices and procedures;

32 2. Disclose matters specifically exempted from disclosure by  
33 federal and state statute;

34 3. Disclose trade secrets or commercial or financial information  
35 which is privileged or confidential;

36 4. Involve accusing a person of a crime, or formally censuring a  
37 person;



1 The rules shall have the force and effect of statutory law and shall be  
2 binding in the compact states to the extent and in the manner provided  
3 in this compact;

4 C. To issue, upon request of a member state, advisory opinions  
5 concerning the meaning or interpretation of the interstate compact, its  
6 bylaws, rules, and actions;

7 D. To enforce compliance with the compact provisions, the rules  
8 promulgated by the interstate commission, and the bylaws, using all  
9 necessary and proper means, including but not limited to the use of  
10 judicial process;

11 E. To establish and maintain offices which shall be located within  
12 one or more of the member states;

13 F. To purchase and maintain insurance and bonds;

14 G. To borrow, accept, hire, or contract for services of personnel;

15 H. To establish and appoint committees including, but not limited  
16 to, an executive committee as required by Article IX, section E of this  
17 compact, which shall have the power to act on behalf of the interstate  
18 commission in carrying out its powers and duties hereunder;

19 I. To elect or appoint such officers, attorneys, employees,  
20 agents, or consultants, and to fix their compensation, define their  
21 duties, and determine their qualifications; and to establish the  
22 interstate commission's personnel policies and programs relating to  
23 conflicts of interest, rates of compensation, and qualifications of  
24 personnel;

25 J. To accept any and all donations and grants of money, equipment,  
26 supplies, materials, and services, and to receive, utilize, and dispose  
27 of it;

28 K. To lease, purchase, accept contributions or donations of, or  
29 otherwise to own, hold, improve, or use any property, real, personal,  
30 or mixed;

31 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or  
32 otherwise dispose of any property, real, personal, or mixed;

33 M. To establish a budget and make expenditures;

34 N. To adopt a seal and bylaws governing the management and  
35 operation of the interstate commission;

36 O. To report annually to the legislatures, governors, judiciary,  
37 and state councils of the member states concerning the activities of

1 the interstate commission during the preceding year. Such reports  
2 shall also include any recommendations that may have been adopted by  
3 the interstate commission;

4 P. To coordinate education, training, and public awareness  
5 regarding the compact, its implementation, and operation for officials  
6 and parents involved in such activity;

7 Q. To establish uniform standards for the reporting, collecting,  
8 and exchanging of data;

9 R. To maintain corporate books and records in accordance with the  
10 bylaws;

11 S. To perform such functions as may be necessary or appropriate to  
12 achieve the purposes of this compact; and

13 T. To provide for the uniform collection and sharing of  
14 information between and among member states, schools, and military  
15 families under this compact.

16 ARTICLE XI

17 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

18 A. The interstate commission shall, by a majority of the members  
19 present and voting, within twelve months after the first interstate  
20 commission meeting, adopt bylaws to govern its conduct as may be  
21 necessary or appropriate to carry out the purposes of the compact,  
22 including, but not limited to:

23 1. Establishing the fiscal year of the interstate commission;

24 2. Establishing an executive committee, and such other committees  
25 as may be necessary;

26 3. Providing for the establishment of committees and for governing  
27 any general or specific delegation of authority or function of the  
28 interstate commission;

29 4. Providing reasonable procedures for calling and conducting  
30 meetings of the interstate commission, and ensuring reasonable notice  
31 of each such meeting;

32 5. Establishing the titles and responsibilities of the officers  
33 and staff of the interstate commission;

34 6. Providing a mechanism for concluding the operations of the  
35 interstate commission and the return of surplus funds that may exist  
36 upon the termination of the compact after the payment and reserving of  
37 all of its debts and obligations; and

1           7. Providing "start up" rules for initial administration of the  
2 compact.

3           B. The interstate commission shall, by a majority of the members,  
4 elect annually from among its members a chairperson, a  
5 vice-chairperson, and a treasurer, each of whom shall have such  
6 authority and duties as may be specified in the bylaws. The  
7 chairperson or, in the chairperson's absence or disability, the  
8 vice-chairperson, shall preside at all meetings of the interstate  
9 commission. The officers so elected shall serve without compensation  
10 or remuneration from the interstate commission; provided that, subject  
11 to the availability of budgeted funds, the officers shall be reimbursed  
12 for ordinary and necessary costs and expenses incurred by them in the  
13 performance of their responsibilities as officers of the interstate  
14 commission.

15           C. Executive committee, officers, and personnel

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

18           a. Managing the affairs of the interstate commission in a manner  
19 consistent with the bylaws and purposes of the interstate commission;

20           b. Overseeing an organizational structure within, and appropriate  
21 procedures for the interstate commission to provide for the creation of  
22 rules, operating procedures, and administrative and technical support  
23 functions; and

24           c. Planning, implementing, and coordinating communications and  
25 activities with other state, federal, and local government  
26 organizations in order to advance the goals of the interstate  
27 commission.

28           2. The executive committee may, subject to the approval of the  
29 interstate commission, appoint or retain an executive director for such  
30 period, upon such terms and conditions and for such compensation, as  
31 the interstate commission may deem appropriate. The executive director  
32 shall serve as secretary to the interstate commission, but shall not be  
33 a member of the interstate commission. The executive director shall  
34 hire and supervise such other persons as may be authorized by the  
35 interstate commission.

36           D. The interstate commission's executive director and its  
37 employees shall be immune from suit and liability, either personally or  
38 in their official capacity, for a claim for damage to or loss of



1 property or personal injury or other civil liability caused or arising  
2 out of or relating to an actual or alleged act, error, or omission that  
3 occurred, or that such person had a reasonable basis for believing  
4 occurred, within the scope of interstate commission employment, duties,  
5 or responsibilities; provided, that such person shall not be protected  
6 from suit or liability for damage, loss, injury, or liability caused by  
7 the intentional or willful and wanton misconduct of such person.

8 1. The liability of the interstate commission's executive director  
9 and employees or interstate commission representatives, acting within  
10 the scope of such person's employment or duties for acts, errors, or  
11 omissions occurring within such person's state may not exceed the  
12 limits of liability set forth under the Constitution and laws of that  
13 state for state officials, employees, and agents. The interstate  
14 commission is considered to be an instrumentality of the states for the  
15 purposes of any such action. Nothing in this subsection shall be  
16 construed to protect such person from suit or liability for damage,  
17 loss, injury, or liability caused by the intentional or willful and  
18 wanton misconduct of such person.

19 2. The interstate commission shall defend the executive director  
20 and its employees and, subject to the approval of the attorney general  
21 or other appropriate legal counsel of the member state represented by  
22 an interstate commission representative, shall defend such interstate  
23 commission representative in any civil action seeking to impose  
24 liability arising out of an actual or alleged act, error, or omission  
25 that occurred within the scope of interstate commission employment,  
26 duties, or responsibilities, or that the defendant had a reasonable  
27 basis for believing occurred within the scope of interstate commission  
28 employment, duties, or responsibilities, provided that the actual or  
29 alleged act, error, or omission did not result from intentional or  
30 willful and wanton misconduct on the part of such person.

31 3. To the extent not covered by the state involved, member state,  
32 or the interstate commission, the representatives or employees of the  
33 interstate commission shall be held harmless in the amount of a  
34 settlement or judgment, including attorneys' fees and costs, obtained  
35 against such persons arising out of an actual or alleged act, error, or  
36 omission that occurred within the scope of interstate commission  
37 employment, duties, or responsibilities, or that such persons had a  
38 reasonable basis for believing occurred within the scope of interstate

1 commission employment, duties, or responsibilities, provided that the  
2 actual or alleged act, error, or omission did not result from  
3 intentional or willful and wanton misconduct on the part of such  
4 persons.

5 ARTICLE XII

6 RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

7 A. Rule-making authority - The interstate commission shall  
8 promulgate reasonable rules in order to effectively and efficiently  
9 achieve the purposes of this compact. Notwithstanding the foregoing,  
10 in the event the interstate commission exercises its rule-making  
11 authority in a manner that is beyond the scope of the purposes of this  
12 compact, or the powers granted hereunder, then such an action by the  
13 interstate commission shall be invalid and have no force or effect.

14 B. Rule-making procedure - Rules shall be made pursuant to a rule-  
15 making process that substantially conforms to the "model state  
16 administrative procedure act," of 1981, Uniform Laws Annotated, Vol.  
17 15, p.1 (2000) as amended, as may be appropriate to the operations of  
18 the interstate commission.

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

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

32 ARTICLE XIII

33 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

34 A. Oversight

35 1. The executive, legislative, and judicial branches of state  
36 government in each member state shall enforce this compact and shall

1 take all actions necessary and appropriate to effectuate the compact's  
2 purposes and intent. The provisions of this compact and the rules  
3 promulgated hereunder shall have standing as statutory law.

4 2. All courts shall take judicial notice of the compact and the  
5 rules in any judicial or administrative proceeding in a member state  
6 pertaining to the subject matter of this compact which may affect the  
7 powers, responsibilities, or actions of the interstate commission.

8 3. The interstate commission shall be entitled to receive all  
9 service of process in any such proceeding, and shall have standing to  
10 intervene in the proceeding for all purposes. Failure to provide  
11 service of process to the interstate commission shall render a judgment  
12 or order void as to the interstate commission, this compact, or  
13 promulgated rules.

14 B. Default, technical assistance, suspension, and termination - If  
15 the interstate commission determines that a member state has defaulted  
16 in the performance of its obligations or responsibilities under this  
17 compact, or the bylaws or promulgated rules, the interstate commission  
18 shall:

19 1. Provide written notice to the defaulting state and other member  
20 states of the nature of the default, the means of curing the default,  
21 and any action taken by the interstate commission. The interstate  
22 commission shall specify the conditions by which the defaulting state  
23 must cure its default;

24 2. Provide remedial training and specific technical assistance  
25 regarding the default;

26 3. If the defaulting state fails to cure the default, the  
27 defaulting state shall be terminated from the compact upon an  
28 affirmative vote of a majority of the member states and all rights,  
29 privileges, and benefits conferred by this compact shall be terminated  
30 from the effective date of termination. A cure of the default does not  
31 relieve the offending state of obligations or liabilities incurred  
32 during the period of the default;

33 4. Suspension or termination of membership in the compact shall be  
34 imposed only after all other means of securing compliance have been  
35 exhausted. Notice of intent to suspend or terminate shall be given by  
36 the interstate commission to the governor, the majority and minority  
37 leaders of the defaulting state's legislature, and each of the member  
38 states;

1           5. The state which has been suspended or terminated is responsible  
2 for all assessments, obligations, and liabilities incurred through the  
3 effective date of suspension or termination including obligations the  
4 performance of which extends beyond the effective date of suspension or  
5 termination;

6           6. The interstate commission shall not bear any costs relating to  
7 any state that has been found to be in default or which has been  
8 suspended or terminated from the compact, unless otherwise mutually  
9 agreed upon in writing between the interstate commission and the  
10 defaulting state;

11           7. The defaulting state may appeal the action of the interstate  
12 commission by petitioning the U.S. District Court for the District of  
13 Columbia or the federal district where the interstate commission has  
14 its principal offices. The prevailing party shall be awarded all costs  
15 of such litigation including reasonable attorneys' fees.

16           C. Dispute Resolution

17           1. The interstate commission shall attempt, upon the request of a  
18 member state, to resolve disputes which are subject to the compact and  
19 which may arise among member states and between member and nonmember  
20 states.

21           2. The interstate commission shall promulgate a rule providing for  
22 both mediation and binding dispute resolution for disputes as  
23 appropriate.

24           D. Enforcement

25           1. The interstate commission, in the reasonable exercise of its  
26 discretion, shall enforce the provisions and rules of this compact.

27           2. The interstate commission, may by majority vote of the members,  
28 initiate legal action in the United State District Court for the  
29 District of Columbia or, at the discretion of the interstate  
30 commission, in the federal district where the interstate commission has  
31 its principal offices, to enforce compliance with the provisions of the  
32 compact, and its promulgated rules and bylaws, against a member state  
33 in default. The relief sought may include both injunctive relief and  
34 damages. In the event judicial enforcement is necessary the prevailing  
35 party shall be awarded all costs of such litigation including  
36 reasonable attorneys' fees.

37           3. The remedies herein shall not be the exclusive remedies of the

1 interstate commission. The interstate commission may avail itself of  
2 any other remedies available under state law or the regulation of a  
3 profession.

4 ARTICLE XIV

5 FINANCING OF THE INTERSTATE COMMISSION

6 A. The interstate commission shall pay, or provide for the payment  
7 of the reasonable expenses of its establishment, organization, and  
8 ongoing activities.

9 B. The interstate commission may levy on and collect an annual  
10 assessment from each member state to cover the cost of the operations  
11 and activities of the interstate commission and its staff which must be  
12 in a total amount sufficient to cover the interstate commission's  
13 annual budget as approved each year. The aggregate annual assessment  
14 amount shall be allocated based upon a formula to be determined by the  
15 interstate commission, which shall promulgate a rule binding upon all  
16 member states.

17 C. The interstate commission shall not incur obligations of any  
18 kind prior to securing the funds adequate to meet the same; nor shall  
19 the interstate commission pledge the credit of any of the member  
20 states, except by and with the authority of the member state.

21 D. The interstate commission shall keep accurate accounts of all  
22 receipts and disbursements. The receipts and disbursements of the  
23 interstate commission shall be subject to the audit and accounting  
24 procedures established under its bylaws. However, all receipts and  
25 disbursements of funds handled by the interstate commission shall be  
26 audited yearly by a certified or licensed public accountant and the  
27 report of the audit shall be included in and become part of the annual  
28 report of the interstate commission.

29 ARTICLE XV

30 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

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

32 B. The compact shall become effective and binding upon legislative  
33 enactment of the compact into law by no less than ten of the states.  
34 The effective date shall be no earlier than December 1, 2007.

35 Thereafter it shall become effective and binding as to any other  
36 member state upon enactment of the compact into law by that state. The

1 governors of nonmember states or their designees shall be invited to  
2 participate in the activities of the interstate commission on a  
3 nonvoting basis prior to adoption of the compact by all states.

4 C. The interstate commission may propose amendments to the compact  
5 for enactment by the member states. No amendment shall become  
6 effective and binding upon the interstate commission and the member  
7 states unless and until it is enacted into law by unanimous consent of  
8 the member states.

9 ARTICLE XVI

10 WITHDRAWAL AND DISSOLUTION

11 A. Withdrawal

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

16 2. Withdrawal from this compact shall be by the enactment of a  
17 statute repealing the same, but shall not take effect until one year  
18 after the effective date of such statute and until written notice of  
19 the withdrawal has been given by the withdrawing state to the governor  
20 of each other member jurisdiction.

21 3. The withdrawing state shall immediately notify the chairperson  
22 of the interstate commission in writing upon the introduction of  
23 legislation repealing this compact in the withdrawing state. The  
24 interstate commission shall notify the other member states of the  
25 withdrawing state's intent to withdraw within sixty days of its receipt  
26 thereof.

27 4. The withdrawing state is responsible for all assessments,  
28 obligations, and liabilities incurred through the effective date of  
29 withdrawal, including obligations, the performance of which extend  
30 beyond the effective date of withdrawal.

31 5. Reinstatement following withdrawal of a member state shall  
32 occur upon the withdrawing state reenacting the compact or upon such  
33 later date as determined by the interstate commission.

34 B. Dissolution of compact

35 1. This compact shall dissolve effective upon the date of the  
36 withdrawal or default of the member state which reduces the membership  
37 in the compact to one member state.

1           2. Upon the dissolution of this compact, the compact becomes null  
2 and void and shall be of no further force or effect, and the business  
3 and affairs of the interstate commission shall be concluded and surplus  
4 funds shall be distributed in accordance with the bylaws.

5   ARTICLE XVII

6   SEVERABILITY AND CONSTRUCTION

7           A. The provisions of this compact shall be severable, and if any  
8 phrase, clause, sentence, or provision is deemed unenforceable, the  
9 remaining provisions of the compact shall be enforceable.

10          B. The provisions of this compact shall be liberally construed to  
11 effectuate its purposes.

12          C. Nothing in this compact shall be construed to prohibit the  
13 applicability of other interstate compacts to which the states are  
14 members.

15   ARTICLE XVIII

16   BINDING EFFECT OF COMPACT AND OTHER LAWS

17           A. Other laws

18           1. Nothing herein prevents the enforcement of any other law of a  
19 member state that is not inconsistent with this compact.

20           2. All member states' laws conflicting with this compact are  
21 superseded to the extent of the conflict.

22           B. Binding effect of the compact

23           1. All lawful actions of the interstate commission, including all  
24 rules and bylaws promulgated by the interstate commission, are binding  
25 upon the member states.

26           2. All agreements between the interstate commission and the member  
27 states are binding in accordance with their terms.

28           3. In the event any provision of this compact exceeds the  
29 constitutional limits imposed on the legislature of any member state,  
30 such provision shall be ineffective to the extent of the conflict with  
31 the constitutional provision in question in that member state.

32           **Sec. 2.** RCW 28A.225.330 and 2006 c 263 s 805 are each amended to  
33 read as follows:

34           (1) When enrolling a student who has attended school in another  
35 school district, the school enrolling the student may request the

1 parent and the student to briefly indicate in writing whether or not  
2 the student has:

- 3 (a) Any history of placement in special educational programs;
- 4 (b) Any past, current, or pending disciplinary action;
- 5 (c) Any history of violent behavior, or behavior listed in RCW  
6 13.04.155;
- 7 (d) Any unpaid fines or fees imposed by other schools; and
- 8 (e) Any health conditions affecting the student's educational  
9 needs.

10 (2) The school enrolling the student shall request the school the  
11 student previously attended to send the student's permanent record  
12 including records of disciplinary action, history of violent behavior  
13 or behavior listed in RCW 13.04.155, attendance, immunization records,  
14 and academic performance. If the student has not paid a fine or fee  
15 under RCW 28A.635.060, or tuition, fees, or fines at approved private  
16 schools the school may withhold the student's official transcript, but  
17 shall transmit information about the student's academic performance,  
18 special placement, immunization records, records of disciplinary  
19 action, and history of violent behavior or behavior listed in RCW  
20 13.04.155. If the official transcript is not sent due to unpaid  
21 tuition, fees, or fines, the enrolling school shall notify both the  
22 student and parent or guardian that the official transcript will not be  
23 sent until the obligation is met, and failure to have an official  
24 transcript may result in exclusion from extracurricular activities or  
25 failure to graduate.

26 (3) Upon request, school districts shall furnish a set of  
27 unofficial educational records to a parent or guardian of a student who  
28 is transferring out of state and who meets the definition of a child of  
29 a military family in transition under section 1, Article II of this  
30 act. School districts may charge the parent or guardian the actual  
31 cost of providing the copies of the records.

32 (4) If information is requested under subsection (2) of this  
33 section, the information shall be transmitted within two school days  
34 after receiving the request and the records shall be sent as soon as  
35 possible. The records of a student who meets the definition of a child  
36 of a military family in transition under section 1, Article II of this  
37 act shall be sent within ten days after receiving the request. Any  
38 school district or district employee who releases the information in



1 compliance with this section is immune from civil liability for damages  
2 unless it is shown that the school district employee acted with gross  
3 negligence or in bad faith. The professional educator standards board  
4 shall provide by rule for the discipline under chapter 28A.410 RCW of  
5 a school principal or other chief administrator of a public school  
6 building who fails to make a good faith effort to assure compliance  
7 with this subsection.

8 ~~((+4))~~ (5) Any school district or district employee who releases  
9 the information in compliance with federal and state law is immune from  
10 civil liability for damages unless it is shown that the school district  
11 or district employee acted with gross negligence or in bad faith.

12 ~~((+5))~~ (6) When a school receives information under this section  
13 or RCW 13.40.215 that a student has a history of disciplinary actions,  
14 criminal or violent behavior, or other behavior that indicates the  
15 student could be a threat to the safety of educational staff or other  
16 students, the school shall provide this information to the student's  
17 teachers and security personnel.

18 **Sec. 3.** RCW 28A.225.160 and 2006 c 263 s 703 are each amended to  
19 read as follows:

20 (1) Except as provided in subsection (2) of this section and  
21 otherwise provided by law, it is the general policy of the state that  
22 the common schools shall be open to the admission of all persons who  
23 are five years of age and less than twenty-one years residing in that  
24 school district. Except as otherwise provided by law or rules adopted  
25 by the superintendent of public instruction, districts may establish  
26 uniform entry qualifications, including but not limited to birth date  
27 requirements, for admission to kindergarten and first grade programs of  
28 the common schools. Such rules may provide for exceptions based upon  
29 the ability, or the need, or both, of an individual student. For the  
30 purpose of complying with any rule adopted by the superintendent of  
31 public instruction that authorizes a preadmission screening process as  
32 a prerequisite to granting exceptions to the uniform entry  
33 qualifications, a school district may collect fees to cover expenses  
34 incurred in the administration of any preadmission screening process:  
35 PROVIDED, That in so establishing such fee or fees, the district shall  
36 adopt ~~((regulations))~~ rules for waiving and reducing such fees in the

1 cases of those persons whose families, by reason of their low income,  
2 would have difficulty in paying the entire amount of such fees.

3 (2) A student who meets the definition of a child of a military  
4 family in transition under section 1, Article II of this act shall be  
5 permitted to continue enrollment at the grade level in the common  
6 schools commensurate with the grade level of the student when attending  
7 school in the sending state as defined in section 1, Article II of this  
8 act, regardless of age or birthdate requirements.

9 **Sec. 4.** RCW 28A.185.030 and 1984 c 278 s 13 are each amended to  
10 read as follows:

11 Local school districts may establish and operate, either separately  
12 or jointly, programs for highly capable students. Such authority shall  
13 include the right to employ and pay special instructors and to operate  
14 such programs jointly with a public institution of higher education.  
15 Local school districts which establish and operate programs for highly  
16 capable students shall adopt identification procedures and provide  
17 educational opportunities as follows:

18 (1) In accordance with rules (~~and regulations~~) adopted by the  
19 superintendent of public instruction, school districts shall implement  
20 procedures for nomination, assessment and selection of their most  
21 highly capable students. Nominations shall be based upon data from  
22 teachers, other staff, parents, students, and members of the community.  
23 Assessment shall be based upon a review of each student's capability as  
24 shown by multiple criteria intended to reveal, from a wide variety of  
25 sources and data, each student's unique needs and capabilities.  
26 Selection shall be made by a broadly based committee of professionals,  
27 after consideration of the results of the multiple criteria assessment.

28 (2) When a student, who is a child of a military family in  
29 transition, has been assessed or enrolled as highly capable by a  
30 sending school, the receiving school shall initially honor placement of  
31 the student into a like program.

32 (a) The receiving school shall determine whether the district's  
33 program is a like program when compared to the sending school's  
34 program; and

35 (b) The receiving school may conduct subsequent assessments to  
36 determine appropriate placement and continued enrollment in the  
37 program.

1       (3) Students selected pursuant to procedures outlined in this  
2 section shall be provided, to the extent feasible, an educational  
3 opportunity which takes into account each student's unique needs and  
4 capabilities and the limits of the resources and program options  
5 available to the district, including those options which can be  
6 developed or provided by using funds allocated by the superintendent of  
7 public instruction for that purpose.

8       (4) The definitions in section 1, Article II of this act apply to  
9 subsection (2) of this section.

10       **Sec. 5.** RCW 28A.180.040 and 2001 1st sp.s. c 6 s 4 are each  
11 amended to read as follows:

12       (1) Every school district board of directors shall:

13       ~~((+1))~~ (a) Make available to each eligible pupil transitional  
14 bilingual instruction to achieve competency in English, in accord with  
15 rules of the superintendent of public instruction((+))i

16       ~~((+2))~~ (b) Wherever feasible, ensure that communications to  
17 parents emanating from the schools shall be appropriately bilingual for  
18 those parents of pupils in the bilingual instruction program((+))i

19       ~~((+3))~~ (c) Determine, by administration of an English test  
20 approved by the superintendent of public instruction the number of  
21 eligible pupils enrolled in the school district at the beginning of a  
22 school year and thereafter during the year as necessary in individual  
23 cases((+))i

24       ~~((+4))~~ (d) Ensure that a student who is a child of a military  
25 family in transition and who has been assessed as in need of, or  
26 enrolled in, a bilingual instruction program, the receiving school  
27 shall initially honor placement of the student into a like program.

28       (i) The receiving school shall determine whether the district's  
29 program is a like program when compared to the sending school's  
30 program; and

31       (ii) The receiving school may conduct subsequent assessments  
32 pursuant to RCW 28A.180.090 to determine appropriate placement and  
33 continued enrollment in the program;

34       (e) Before the conclusion of each school year, measure each  
35 eligible pupil's improvement in learning the English language by means  
36 of a test approved by the superintendent of public instruction((+))i  
37 and

1 ((+5)) (f) Provide in-service training for teachers, counselors,  
2 and other staff, who are involved in the district's transitional  
3 bilingual program. Such training shall include appropriate  
4 instructional strategies for children of culturally different  
5 backgrounds, use of curriculum materials, and program models.

6 (2) The definitions in section 1, Article II of this act apply to  
7 subsection (1)(d) of this section.

8 **Sec. 6.** RCW 28A.225.210 and 1990 c 33 s 235 are each amended to  
9 read as follows:

10 Every school district shall admit on a tuition free basis: (1) All  
11 persons of school age who reside within this state, and do not reside  
12 within another school district carrying the grades for which they are  
13 eligible to enroll: PROVIDED, That nothing in this ((section))  
14 subsection shall be construed as affecting RCW 28A.225.220 or  
15 28A.225.250; and (2) all students who meet the definition of children  
16 of military families in transition under section 1, Article II of this  
17 act who are in the care of a noncustodial parent or other person  
18 standing in loco parentis and who lives in another state while the  
19 parent is under military orders.

20 **Sec. 7.** RCW 28A.225.225 and 2008 c 192 s 1 are each amended to  
21 read as follows:

22 (1) Except for students who reside out-of-state and students under  
23 section 8 of this act, a district shall accept applications from  
24 nonresident students who are the children of full-time certificated and  
25 classified school employees, and those children shall be permitted to  
26 enroll:

27 (a) At the school to which the employee is assigned;

28 (b) At a school forming the district's K through 12 continuum which  
29 includes the school to which the employee is assigned; or

30 (c) At a school in the district that provides early intervention  
31 services pursuant to RCW 28A.155.065 or preschool services pursuant to  
32 RCW 28A.155.070, if the student is eligible for such services.

33 (2) A district may reject applications under this section if:

34 (a) The student's disciplinary records indicate a history of  
35 convictions for offenses or crimes, violent or disruptive behavior, or  
36 gang membership;

1 (b) The student has been expelled or suspended from a public school  
2 for more than ten consecutive days. Any policy allowing for  
3 readmission of expelled or suspended students under this subsection  
4 (2)(b) must apply uniformly to both resident and nonresident  
5 applicants; or

6 (c) Enrollment of a child under this section would displace a child  
7 who is a resident of the district, except that if a child is admitted  
8 under subsection (1) of this section, that child shall be permitted to  
9 remain enrolled at that school, or in that district's kindergarten  
10 through twelfth grade continuum, until he or she has completed his or  
11 her schooling.

12 (3) Except as provided in subsection (1) of this section, all  
13 districts accepting applications from nonresident students or from  
14 students receiving home-based instruction for admission to the  
15 district's schools shall consider equally all applications received.  
16 Each school district shall adopt a policy establishing rational, fair,  
17 and equitable standards for acceptance and rejection of applications by  
18 June 30, 1990. The policy may include rejection of a nonresident  
19 student if:

20 (a) Acceptance of a nonresident student would result in the  
21 district experiencing a financial hardship;

22 (b) The student's disciplinary records indicate a history of  
23 convictions for offenses or crimes, violent or disruptive behavior, or  
24 gang membership; or

25 (c) The student has been expelled or suspended from a public school  
26 for more than ten consecutive days. Any policy allowing for  
27 readmission of expelled or suspended students under this subsection  
28 (3)(c) must apply uniformly to both resident and nonresident  
29 applicants.

30 For purposes of subsections (2)(a) and (3)(b) of this section,  
31 "gang" means a group which: (i) Consists of three or more persons;  
32 (ii) has identifiable leadership; and (iii) on an ongoing basis,  
33 regularly conspires and acts in concert mainly for criminal purposes.

34 (4) The district shall provide to applicants written notification  
35 of the approval or denial of the application in a timely manner. If  
36 the application is rejected, the notification shall include the reason  
37 or reasons for denial and the right to appeal under RCW 28A.225.230(3).

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 28A.225  
2    RCW to read as follows:

3        (1) A student shall be permitted to remain enrolled in the school  
4    in which the student was enrolled while residing with the custodial  
5    parent if the student:

6        (a) Meets the definition of a child of a military family in  
7    transition under section 1, Article II of this act; and

8        (b) Is placed in the care of a noncustodial parent or guardian when  
9    the custodial parent is required to relocate due to military orders.

10       (2) A nonresident school district shall not be required to provide  
11    transportation to and from the school unless otherwise required by  
12    state or federal law.

13       NEW SECTION.    **Sec. 9.**    By December 1, 2014, the state council,  
14    created in accordance with section 1 of this act, shall conduct a  
15    review of the implementation of the interstate compact on educational  
16    opportunity for military children and recommend to the state  
17    legislature whether Washington should continue to be a member of the  
18    compact and whether any other actions should be taken.

19       NEW SECTION.    **Sec. 10.**    Sections 1 and 9 of this act constitute a  
20    new chapter in Title 28A RCW.

--- END ---