

SSB 5248 - H COMM AMD  
By Committee on Education

ADOPTED 04/13/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. Sec. 1.

4 ARTICLE I

5 PURPOSE

6 It is the purpose of this compact to remove barriers to educational  
7 success imposed on children of military families because of frequent  
8 moves and deployment of their parents by:

9 A. Facilitating the timely enrollment of children of military  
10 families and ensuring that they are not placed at a disadvantage due to  
11 difficulty in the transfer of education records from the previous  
12 school districts or variations in entrance and age requirements;

13 B. Facilitating the student placement process through which  
14 children of military families are not disadvantaged by variations in  
15 attendance requirements, scheduling, sequencing, grading, course  
16 content, or assessment;

17 C. Facilitating the qualification and eligibility for enrollment,  
18 educational programs, and participation in extracurricular academic,  
19 athletic, and social activities;

20 D. Facilitating the on-time graduation of children of military  
21 families;

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

24 F. Providing for the uniform collection and sharing of information  
25 between and among member states, schools, and military families under  
26 this compact;

27 G. Promoting coordination between this compact and other compacts  
28 affecting military children; and

29 H. Promoting flexibility and cooperation between the educational

1 system, parents, and the student in order to achieve educational  
2 success for the student.

3 ARTICLE II  
4 DEFINITIONS

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

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

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

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

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

19 E. "Education records" or "educational records" means those  
20 official records, files, and data directly related to a student and  
21 maintained by the school or local education agency, including but not  
22 limited to, records encompassing all the material kept in the student's  
23 cumulative folder such as general identifying data, records of  
24 attendance and of academic work completed, records of achievement and  
25 results of evaluative tests, health data, disciplinary status, test  
26 protocols, and individualized education programs.

27 F. "Extracurricular activities" means a voluntary activity  
28 sponsored by the school or local education agency or an organization  
29 sanctioned by the local education agency. Extracurricular activities  
30 include, but are not limited to, preparation for and involvement in  
31 public performances, contests, athletic competitions, demonstrations,  
32 displays, and club activities.

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

36 H. "Local education agency" means a public authority legally  
37 constituted by the state as an administrative agency to provide control

1 of and direction for kindergarten through twelfth grade public  
2 educational institutions.

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

4 J. "Military installation" means a base, camp, post, station,  
5 yard, center, homeport facility for any ship, or other activity under  
6 the jurisdiction of the United States department of defense, including  
7 any leased facility, which is located within any of the several states,  
8 the District of Columbia, the Commonwealth of Puerto Rico, the U.S.  
9 Virgin Islands, Guam, American Samoa, the Northern Marianas Islands,  
10 and any other U.S. territory. Such term does not include any facility  
11 used primarily for civil works, rivers and harbors projects, or flood  
12 control projects.

13 K. "Nonmember state" means a state that has not enacted this  
14 compact.

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

17 M. "Rule" means a written statement by the interstate commission  
18 promulgated pursuant to Article XII of this compact that is of general  
19 applicability, implements, interprets, or prescribes a policy or  
20 provision of the compact, or an organizational, procedural, or practice  
21 requirement of the interstate commission, and has the force and effect  
22 of statutory law in a member state, and includes the amendment, repeal,  
23 or suspension of an existing rule.

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

26 O. "State" means a state of the United States, the District of  
27 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,  
28 Guam, American Samoa, the Northern Marianas Islands, and any other U.S.  
29 territory.

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

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

37 R. "Uniformed services" means the army, navy, air force, marine

1 corps, and coast guard, as well as the commissioned corps of the  
2 national oceanic and atmospheric administration, and public health  
3 services.

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

7 ARTICLE III  
8 APPLICABILITY

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

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

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

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

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

22 C. The provisions of this compact shall not apply to the children  
23 of:

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

25 2. Members of the uniformed services now retired, except as  
26 provided in section A of this article;

27 3. Veterans of the uniformed services, except as provided in  
28 section A of this article; and

29 4. Other U.S. department of defense personnel and other federal  
30 agency civilian and contract employees not defined as active duty  
31 members of the uniformed services.

32 ARTICLE IV  
33 EDUCATIONAL RECORDS AND ENROLLMENT

34 A. Unofficial or "hand-carried" education records - In the event  
35 that official education records cannot be released to the parents for  
36 the purpose of transfer, the custodian of the records in the sending  
37 state shall prepare and furnish to the parent a complete set of

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

7 B. Official education records and transcripts - Simultaneous with  
8 the enrollment and conditional placement of the student, the school in  
9 the receiving state shall request the student's official education  
10 record from the school in the sending state. Upon receipt of this  
11 request, the school in the sending state will process and furnish the  
12 official education records to the school in the receiving state within  
13 ten days or within such time as is reasonably determined under the  
14 rules promulgated by the interstate commission. However, if the  
15 student has an unpaid fine at a public school or unpaid tuition, fees,  
16 or fines at a private school, then the sending school shall send the  
17 information requested but may withhold the official transcript until  
18 the monetary obligation is met.

19 C. Immunizations - On or before the first day of attendance, the  
20 parent or guardian must meet the immunization documentation  
21 requirements of the Washington board of health. Compacting states  
22 shall give thirty days from the date of enrollment or within such time  
23 as is reasonably determined under the rules promulgated by the  
24 interstate commission, for students to obtain any immunizations  
25 required by the receiving state. For a series of immunizations,  
26 initial vaccinations must be obtained within thirty days or within such  
27 time as is reasonably determined under the rules promulgated by the  
28 interstate commission.

29 D. Kindergarten and first grade entrance age - Students shall be  
30 allowed to continue their enrollment at grade level in the receiving  
31 state commensurate with their grade level (including kindergarten) from  
32 a local education agency in the sending state at the time of  
33 transition, regardless of age. A student who has satisfactorily  
34 completed the prerequisite grade level in the local education agency in  
35 the sending state shall be eligible for enrollment in the next highest  
36 grade level in the receiving state, regardless of age. A student  
37 transferring after the start of the school year in the receiving state

1 shall enter the school in the receiving state on his or her validated  
2 level from an accredited school in the sending state.

3 ARTICLE V

4 PLACEMENT AND ATTENDANCE

5 A. Course placement - When the student transfers before or during  
6 the school year, the receiving state school shall initially honor  
7 placement of the student in educational courses based on the student's  
8 enrollment in the sending state school and/or educational assessments  
9 conducted at the school in the sending state if the courses are offered  
10 and if space is available, as determined by the school district.  
11 Course placement includes but is not limited to honors, international  
12 baccalaureate, advanced placement, vocational, technical, and career  
13 pathways courses. Continuing the student's academic program from the  
14 previous school and promoting placement in academically and career  
15 challenging courses should be paramount when considering placement.  
16 This does not preclude the school in the receiving state from  
17 performing subsequent evaluations to ensure appropriate placement and  
18 continued enrollment of the student in the courses.

19 B. Educational program placement - The receiving state school  
20 shall initially honor placement of the student in educational programs  
21 based on current educational assessments conducted at the school in the  
22 sending state or participation and placement in like programs in the  
23 sending state and if space is available, as determined by the school  
24 district. Such programs include, but are not limited to: (1) Gifted  
25 and talented programs; and (2) English as a second language (ESL).  
26 This does not preclude the school in the receiving state from  
27 performing subsequent evaluations to ensure appropriate placement of  
28 the student.

29 C. Special education services - (1) In compliance with the federal  
30 requirements of the Individuals with Disabilities Education Act (IDEA),  
31 20 U.S.C. Sec. 1400 et seq., the receiving state shall initially  
32 provide comparable services to a student with disabilities based on his  
33 or her current Individualized Education Program (IEP); and (2) in  
34 compliance with the requirements of section 504 of the rehabilitation  
35 act, 29 U.S.C. Sec. 794, and with Title II of the Americans with  
36 disabilities act, 42 U.S.C. Secs. 12131-12165, the receiving state  
37 shall make reasonable accommodations and modifications to address the  
38 needs of incoming students with disabilities, subject to an existing

1 504 or Title II plan, to provide the student with equal access to  
2 education. This does not preclude the school in the receiving state  
3 from performing subsequent evaluations to ensure appropriate placement  
4 of the student.

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

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

17 ARTICLE VI  
18 ELIGIBILITY

19 A. Eligibility for enrollment

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

24 2. A local education agency shall be prohibited from charging  
25 local tuition to a transitioning military child placed in the care of  
26 a noncustodial parent or other person standing in loco parentis who  
27 lives in a jurisdiction other than that of the custodial parent.

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

33 B. Eligibility for extracurricular participation - Under RCW  
34 28A.225.280, the Washington interscholastic activities association and  
35 local education agencies shall facilitate the opportunity for  
36 transitioning military children's inclusion in extracurricular  
37 activities, regardless of application deadlines, to the extent they are

1 otherwise qualified and space is available, as determined by the school  
2 district.

3 ARTICLE VII

4 GRADUATION

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

8 A. Waiver requirements - Local education agency administrative  
9 officials shall waive specific courses required for graduation if  
10 similar coursework has been satisfactorily completed in another local  
11 education agency or shall provide reasonable justification for denial.  
12 Should a waiver not be granted to a student who would qualify to  
13 graduate from the sending school, the local education agency shall use  
14 best efforts to provide an alternative means of acquiring required  
15 coursework so that graduation may occur on time.

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

24 C. Transfers during senior year - Should a military student  
25 transferring at the beginning or during his or her senior year be  
26 ineligible to graduate from the receiving local education agency after  
27 all alternatives have been considered, the sending and receiving local  
28 education agencies shall ensure the receipt of a diploma from the  
29 sending local education agency, if the student meets the graduation  
30 requirements of the sending local education agency. In the event that  
31 one of the states in question is not a member of this compact, the  
32 member state shall use best efforts to facilitate the on-time  
33 graduation of the student in accordance with sections A and B of this  
34 article.

35 ARTICLE VIII

36 STATE COORDINATION



1 herein, and such additional powers as may be conferred upon it by a  
2 subsequent concurrent action of the respective legislatures of the  
3 member states in accordance with the terms of this compact;

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

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

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

11 3. A representative shall not delegate a vote to another member  
12 state. In the event the compact commissioner is unable to attend a  
13 meeting of the interstate commission, the governor or state council may  
14 delegate voting authority to another person from their state for a  
15 specified meeting.

16 4. The bylaws may provide for meetings of the interstate  
17 commission to be conducted by telecommunication or electronic  
18 communication;

19 C. Consist of ex officio, nonvoting representatives who are  
20 members of interested organizations. Such ex officio members, as  
21 defined in the bylaws, may include but not be limited to, members of  
22 the representative organizations of military family advocates, local  
23 education agency officials, parent and teacher groups, the U.S.  
24 department of defense, the education commission of the states, the  
25 interstate agreement on the qualification of educational personnel, and  
26 other interstate compacts affecting the education of children of  
27 military members;

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

31 E. Establish an executive committee, whose members shall include  
32 the officers of the interstate commission and such other members of the  
33 interstate commission as determined by the bylaws. Members of the  
34 executive committee shall serve a one-year term. Members of the  
35 executive committee shall be entitled to one vote each. The executive  
36 committee shall have the power to act on behalf of the interstate  
37 commission, with the exception of rule making, during periods when the  
38 interstate commission is not in session. The executive committee shall

1 oversee the day-to-day activities of the administration of the compact  
2 including enforcement and compliance with the provisions of the  
3 compact, its bylaws and rules, and other such duties as deemed  
4 necessary. The U.S. department of defense shall serve as an ex  
5 officio, nonvoting member of the executive committee;

6 F. Establish bylaws and rules that provide for conditions and  
7 procedures under which the interstate commission shall make its  
8 information and official records available to the public for inspection  
9 or copying. The interstate commission may exempt from disclosure  
10 information or official records to the extent they would adversely  
11 affect personal privacy rights or proprietary interests;

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

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

19 2. Disclose matters specifically exempted from disclosure by  
20 federal and state statute;

21 3. Disclose trade secrets or commercial or financial information  
22 which is privileged or confidential;

23 4. Involve accusing a person of a crime, or formally censuring a  
24 person;

25 5. Disclose information of a personal nature where disclosure  
26 would constitute a clearly unwarranted invasion of personal privacy;

27 6. Disclose investigative records compiled for law enforcement  
28 purposes; or

29 7. Specifically relate to the interstate commission's  
30 participation in a civil action or other legal proceeding;

31 H. Cause its legal counsel or designee to certify that a meeting  
32 may be closed and shall reference each relevant exemptible provision  
33 for any meeting, or portion of a meeting, which is closed pursuant to  
34 this provision. The interstate commission shall keep minutes which  
35 shall fully and clearly describe all matters discussed in a meeting and  
36 shall provide a full and accurate summary of actions taken, and the  
37 reasons therefor, including a description of the views expressed and  
38 the record of a roll call vote. All documents considered in connection

1 with an action shall be identified in such minutes. All minutes and  
2 documents of a closed meeting shall remain under seal, subject to  
3 release by a majority vote of the interstate commission;

4 I. Collect standardized data concerning the educational transition  
5 of the children of military families under this compact as directed  
6 through its rules which shall specify the data to be collected, the  
7 means of collection, and data exchange and reporting requirements.  
8 Such methods of data collection, exchange, and reporting shall, in so  
9 far as is reasonably possible, conform to current technology and  
10 coordinate its information functions with the appropriate custodian of  
11 records as identified in the bylaws and rules;

12 J. Create a process that permits military officials, education  
13 officials, and parents to inform the interstate commission if and when  
14 there are alleged violations of the compact or its rules or when issues  
15 subject to the jurisdiction of the compact or its rules are not  
16 addressed by the state or local education agency. This section shall  
17 not be construed to create a private right of action against the  
18 interstate commission or any member state.

#### 19 ARTICLE X

#### 20 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

21 The interstate commission shall have the following powers:

22 A. To provide for dispute resolution among member states;

23 B. To promulgate rules and take all necessary actions to effect  
24 the goals, purposes, and obligations as enumerated in this compact.  
25 The rules shall have the force and effect of statutory law and shall be  
26 binding in the compact states to the extent and in the manner provided  
27 in this compact;

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

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

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

37 F. To purchase and maintain insurance and bonds;

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

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

5 I. To elect or appoint such officers, attorneys, employees,  
6 agents, or consultants, and to fix their compensation, define their  
7 duties, and determine their qualifications; and to establish the  
8 interstate commission's personnel policies and programs relating to  
9 conflicts of interest, rates of compensation, and qualifications of  
10 personnel;

11 J. To accept any and all donations and grants of money, equipment,  
12 supplies, materials, and services, and to receive, utilize, and dispose  
13 of it;

14 K. To lease, purchase, accept contributions or donations of, or  
15 otherwise to own, hold, improve, or use any property, real, personal,  
16 or mixed;

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

19 M. To establish a budget and make expenditures;

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

22 O. To report annually to the legislatures, governors, judiciary,  
23 and state councils of the member states concerning the activities of  
24 the interstate commission during the preceding year. Such reports  
25 shall also include any recommendations that may have been adopted by  
26 the interstate commission;

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

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

32 R. To maintain corporate books and records in accordance with the  
33 bylaws;

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

36 T. To provide for the uniform collection and sharing of  
37 information between and among member states, schools, and military  
38 families under this compact.

1 ARTICLE XI

2 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

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

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

11 3. Providing for the establishment of committees and for governing  
12 any general or specific delegation of authority or function of the  
13 interstate commission;

14 4. Providing reasonable procedures for calling and conducting  
15 meetings of the interstate commission, and ensuring reasonable notice  
16 of each such meeting;

17 5. Establishing the titles and responsibilities of the officers  
18 and staff of the interstate commission;

19 6. Providing a mechanism for concluding the operations of the  
20 interstate commission and the return of surplus funds that may exist  
21 upon the termination of the compact after the payment and reserving of  
22 all of its debts and obligations; and

23 7. Providing "start up" rules for initial administration of the  
24 compact.

25 B. The interstate commission shall, by a majority of the members,  
26 elect annually from among its members a chairperson, a  
27 vice-chairperson, and a treasurer, each of whom shall have such  
28 authority and duties as may be specified in the bylaws. The  
29 chairperson or, in the chairperson's absence or disability, the  
30 vice-chairperson, shall preside at all meetings of the interstate  
31 commission. The officers so elected shall serve without compensation  
32 or remuneration from the interstate commission; provided that, subject  
33 to the availability of budgeted funds, the officers shall be reimbursed  
34 for ordinary and necessary costs and expenses incurred by them in the  
35 performance of their responsibilities as officers of the interstate  
36 commission.

37 C. Executive committee, officers, and personnel

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

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

5           b. Overseeing an organizational structure within, and appropriate  
6 procedures for the interstate commission to provide for the creation of  
7 rules, operating procedures, and administrative and technical support  
8 functions; and

9           c. Planning, implementing, and coordinating communications and  
10 activities with other state, federal, and local government  
11 organizations in order to advance the goals of the interstate  
12 commission.

13           2. The executive committee may, subject to the approval of the  
14 interstate commission, appoint or retain an executive director for such  
15 period, upon such terms and conditions and for such compensation, as  
16 the interstate commission may deem appropriate. The executive director  
17 shall serve as secretary to the interstate commission, but shall not be  
18 a member of the interstate commission. The executive director shall  
19 hire and supervise such other persons as may be authorized by the  
20 interstate commission.

21           D. The interstate commission's executive director and its  
22 employees shall be immune from suit and liability, either personally or  
23 in their official capacity, for a claim for damage to or loss of  
24 property or personal injury or other civil liability caused or arising  
25 out of or relating to an actual or alleged act, error, or omission that  
26 occurred, or that such person had a reasonable basis for believing  
27 occurred, within the scope of interstate commission employment, duties,  
28 or responsibilities; provided, that such person shall not be protected  
29 from suit or liability for damage, loss, injury, or liability caused by  
30 the intentional or willful and wanton misconduct of such person.

31           1. The liability of the interstate commission's executive director  
32 and employees or interstate commission representatives, acting within  
33 the scope of such person's employment or duties for acts, errors, or  
34 omissions occurring within such person's state may not exceed the  
35 limits of liability set forth under the Constitution and laws of that  
36 state for state officials, employees, and agents. The interstate  
37 commission is considered to be an instrumentality of the states for the  
38 purposes of any such action. Nothing in this subsection shall be

1 construed to protect such person from suit or liability for damage,  
2 loss, injury, or liability caused by the intentional or willful and  
3 wanton misconduct of such person.

4 2. The interstate commission shall defend the executive director  
5 and its employees and, subject to the approval of the attorney general  
6 or other appropriate legal counsel of the member state represented by  
7 an interstate commission representative, shall defend such interstate  
8 commission representative in any civil action seeking to impose  
9 liability arising out of an actual or alleged act, error, or omission  
10 that occurred within the scope of interstate commission employment,  
11 duties, or responsibilities, or that the defendant had a reasonable  
12 basis for believing occurred within the scope of interstate commission  
13 employment, duties, or responsibilities, provided that the actual or  
14 alleged act, error, or omission did not result from intentional or  
15 willful and wanton misconduct on the part of such person.

16 3. To the extent not covered by the state involved, member state,  
17 or the interstate commission, the representatives or employees of the  
18 interstate commission shall be held harmless in the amount of a  
19 settlement or judgment, including attorneys' fees and costs, obtained  
20 against such persons arising out of an actual or alleged act, error, or  
21 omission that occurred within the scope of interstate commission  
22 employment, duties, or responsibilities, or that such persons had a  
23 reasonable basis for believing occurred within the scope of interstate  
24 commission employment, duties, or responsibilities, provided that the  
25 actual or alleged act, error, or omission did not result from  
26 intentional or willful and wanton misconduct on the part of such  
27 persons.

## 28 ARTICLE XII

### 29 RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

30 A. Rule-making authority - The interstate commission shall  
31 promulgate reasonable rules in order to effectively and efficiently  
32 achieve the purposes of this compact. Notwithstanding the foregoing,  
33 in the event the interstate commission exercises its rule-making  
34 authority in a manner that is beyond the scope of the purposes of this  
35 compact, or the powers granted hereunder, then such an action by the  
36 interstate commission shall be invalid and have no force or effect.

37 B. Rule-making procedure - Rules shall be made pursuant to a rule-  
38 making process that substantially conforms to the "model state

1 administrative procedure act," of 1981, Uniform Laws Annotated, Vol.  
2 15, p.1 (2000) as amended, as may be appropriate to the operations of  
3 the interstate commission.

4 C. Not later than thirty days after a rule is promulgated, any  
5 person may file a petition for judicial review of the rule; provided,  
6 that the filing of such a petition shall not stay or otherwise prevent  
7 the rule from becoming effective unless the court finds that the  
8 petitioner has a substantial likelihood of success. The court shall  
9 give deference to the actions of the interstate commission consistent  
10 with applicable law and shall not find the rule to be unlawful if the  
11 rule represents a reasonable exercise of the interstate commission's  
12 authority.

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

17 ARTICLE XIII

18 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

19 A. Oversight

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

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

29 3. The interstate commission shall be entitled to receive all  
30 service of process in any such proceeding, and shall have standing to  
31 intervene in the proceeding for all purposes. Failure to provide  
32 service of process to the interstate commission shall render a judgment  
33 or order void as to the interstate commission, this compact, or  
34 promulgated rules.

35 B. Default, technical assistance, suspension, and termination - If  
36 the interstate commission determines that a member state has defaulted  
37 in the performance of its obligations or responsibilities under this

1 compact, or the bylaws or promulgated rules, the interstate commission  
2 shall:

3 1. Provide written notice to the defaulting state and other member  
4 states of the nature of the default, the means of curing the default,  
5 and any action taken by the interstate commission. The interstate  
6 commission shall specify the conditions by which the defaulting state  
7 must cure its default;

8 2. Provide remedial training and specific technical assistance  
9 regarding the default;

10 3. If the defaulting state fails to cure the default, the  
11 defaulting state shall be terminated from the compact upon an  
12 affirmative vote of a majority of the member states and all rights,  
13 privileges, and benefits conferred by this compact shall be terminated  
14 from the effective date of termination. A cure of the default does not  
15 relieve the offending state of obligations or liabilities incurred  
16 during the period of the default;

17 4. Suspension or termination of membership in the compact shall be  
18 imposed only after all other means of securing compliance have been  
19 exhausted. Notice of intent to suspend or terminate shall be given by  
20 the interstate commission to the governor, the majority and minority  
21 leaders of the defaulting state's legislature, and each of the member  
22 states;

23 5. The state which has been suspended or terminated is responsible  
24 for all assessments, obligations, and liabilities incurred through the  
25 effective date of suspension or termination including obligations the  
26 performance of which extends beyond the effective date of suspension or  
27 termination;

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

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

38 C. Dispute Resolution



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

5 D. The interstate commission shall keep accurate accounts of all  
6 receipts and disbursements. The receipts and disbursements of the  
7 interstate commission shall be subject to the audit and accounting  
8 procedures established under its bylaws. However, all receipts and  
9 disbursements of funds handled by the interstate commission shall be  
10 audited yearly by a certified or licensed public accountant and the  
11 report of the audit shall be included in and become part of the annual  
12 report of the interstate commission.

13 ARTICLE XV

14 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

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

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

19 Thereafter it shall become effective and binding as to any other  
20 member state upon enactment of the compact into law by that state. The  
21 governors of nonmember states or their designees shall be invited to  
22 participate in the activities of the interstate commission on a  
23 nonvoting basis prior to adoption of the compact by all states.

24 C. The interstate commission may propose amendments to the compact  
25 for enactment by the member states. No amendment shall become  
26 effective and binding upon the interstate commission and the member  
27 states unless and until it is enacted into law by unanimous consent of  
28 the member states.

29 ARTICLE XVI

30 WITHDRAWAL AND DISSOLUTION

31 A. Withdrawal

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

36 2. Withdrawal from this compact shall be by the enactment of a  
37 statute repealing the same, but shall not take effect until one year

1 after the effective date of such statute and until written notice of  
2 the withdrawal has been given by the withdrawing state to the governor  
3 of each other member jurisdiction.

4 3. The withdrawing state shall immediately notify the chairperson  
5 of the interstate commission in writing upon the introduction of  
6 legislation repealing this compact in the withdrawing state. The  
7 interstate commission shall notify the other member states of the  
8 withdrawing state's intent to withdraw within sixty days of its receipt  
9 thereof.

10 4. The withdrawing state is responsible for all assessments,  
11 obligations, and liabilities incurred through the effective date of  
12 withdrawal, including obligations, the performance of which extend  
13 beyond the effective date of withdrawal.

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

17 B. Dissolution of compact

18 1. This compact shall dissolve effective upon the date of the  
19 withdrawal or default of the member state which reduces the membership  
20 in the compact to one member state.

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

25 ARTICLE XVII

26 SEVERABILITY AND CONSTRUCTION

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

30 B. The provisions of this compact shall be liberally construed to  
31 effectuate its purposes.

32 C. Nothing in this compact shall be construed to prohibit the  
33 applicability of other interstate compacts to which the states are  
34 members.

35 ARTICLE XVIII

36 BINDING EFFECT OF COMPACT AND OTHER LAWS

37 A. Other laws

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

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

5           B. Binding effect of the compact

6           1. All lawful actions of the interstate commission, including all  
7 rules and bylaws promulgated by the interstate commission, are binding  
8 upon the member states.

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

11          3. In the event any provision of this compact exceeds the  
12 constitutional limits imposed on the legislature of any member state,  
13 such provision shall be ineffective to the extent of the conflict with  
14 the constitutional provision in question in that member state.

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

17          (1) When enrolling a student who has attended school in another  
18 school district, the school enrolling the student may request the  
19 parent and the student to briefly indicate in writing whether or not  
20 the student has:

21           (a) Any history of placement in special educational programs;

22           (b) Any past, current, or pending disciplinary action;

23           (c) Any history of violent behavior, or behavior listed in RCW  
24 13.04.155;

25           (d) Any unpaid fines or fees imposed by other schools; and

26           (e) Any health conditions affecting the student's educational  
27 needs.

28          (2) The school enrolling the student shall request the school the  
29 student previously attended to send the student's permanent record  
30 including records of disciplinary action, history of violent behavior  
31 or behavior listed in RCW 13.04.155, attendance, immunization records,  
32 and academic performance. If the student has not paid a fine or fee  
33 under RCW 28A.635.060, or tuition, fees, or fines at approved private  
34 schools the school may withhold the student's official transcript, but  
35 shall transmit information about the student's academic performance,  
36 special placement, immunization records, records of disciplinary  
37 action, and history of violent behavior or behavior listed in RCW

1 13.04.155. If the official transcript is not sent due to unpaid  
2 tuition, fees, or fines, the enrolling school shall notify both the  
3 student and parent or guardian that the official transcript will not be  
4 sent until the obligation is met, and failure to have an official  
5 transcript may result in exclusion from extracurricular activities or  
6 failure to graduate.

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

13 (4) If information is requested under subsection (2) of this  
14 section, the information shall be transmitted within two school days  
15 after receiving the request and the records shall be sent as soon as  
16 possible. The records of a student who meets the definition of a child  
17 of a military family in transition under section 1, Article II of this  
18 act shall be sent within ten days after receiving the request. Any  
19 school district or district employee who releases the information in  
20 compliance with this section is immune from civil liability for damages  
21 unless it is shown that the school district employee acted with gross  
22 negligence or in bad faith. The professional educator standards board  
23 shall provide by rule for the discipline under chapter 28A.410 RCW of  
24 a school principal or other chief administrator of a public school  
25 building who fails to make a good faith effort to assure compliance  
26 with this subsection.

27 ~~((+4))~~ (5) Any school district or district employee who releases  
28 the information in compliance with federal and state law is immune from  
29 civil liability for damages unless it is shown that the school district  
30 or district employee acted with gross negligence or in bad faith.

31 ~~((+5))~~ (6) When a school receives information under this section  
32 or RCW 13.40.215 that a student has a history of disciplinary actions,  
33 criminal or violent behavior, or other behavior that indicates the  
34 student could be a threat to the safety of educational staff or other  
35 students, the school shall provide this information to the student's  
36 teachers and security personnel.

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

3           (1) Except as provided in subsection (2) of this section and  
4 otherwise provided by law, it is the general policy of the state that  
5 the common schools shall be open to the admission of all persons who  
6 are five years of age and less than twenty-one years residing in that  
7 school district. Except as otherwise provided by law or rules adopted  
8 by the superintendent of public instruction, districts may establish  
9 uniform entry qualifications, including but not limited to birth date  
10 requirements, for admission to kindergarten and first grade programs of  
11 the common schools. Such rules may provide for exceptions based upon  
12 the ability, or the need, or both, of an individual student. For the  
13 purpose of complying with any rule adopted by the superintendent of  
14 public instruction that authorizes a preadmission screening process as  
15 a prerequisite to granting exceptions to the uniform entry  
16 qualifications, a school district may collect fees to cover expenses  
17 incurred in the administration of any preadmission screening process:  
18 PROVIDED, That in so establishing such fee or fees, the district shall  
19 adopt (~~regulations~~) rules for waiving and reducing such fees in the  
20 cases of those persons whose families, by reason of their low income,  
21 would have difficulty in paying the entire amount of such fees.

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

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

30           Local school districts may establish and operate, either separately  
31 or jointly, programs for highly capable students. Such authority shall  
32 include the right to employ and pay special instructors and to operate  
33 such programs jointly with a public institution of higher education.  
34 Local school districts which establish and operate programs for highly  
35 capable students shall adopt identification procedures and provide  
36 educational opportunities as follows:

1 (1) In accordance with rules (~~and regulations~~) adopted by the  
2 superintendent of public instruction, school districts shall implement  
3 procedures for nomination, assessment and selection of their most  
4 highly capable students. Nominations shall be based upon data from  
5 teachers, other staff, parents, students, and members of the community.  
6 Assessment shall be based upon a review of each student's capability as  
7 shown by multiple criteria intended to reveal, from a wide variety of  
8 sources and data, each student's unique needs and capabilities.  
9 Selection shall be made by a broadly based committee of professionals,  
10 after consideration of the results of the multiple criteria assessment.

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

15 (a) The receiving school shall determine whether the district's  
16 program is a like program when compared to the sending school's  
17 program; and

18 (b) The receiving school may conduct subsequent assessments to  
19 determine appropriate placement and continued enrollment in the  
20 program.

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

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

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

- 32 (1) Every school district board of directors shall:  
33 ~~((+1))~~ (a) Make available to each eligible pupil transitional  
34 bilingual instruction to achieve competency in English, in accord with  
35 rules of the superintendent of public instruction(~~(-)~~);  
36 ~~((+2))~~ (b) Wherever feasible, ensure that communications to

1 parents emanating from the schools shall be appropriately bilingual for  
2 those parents of pupils in the bilingual instruction program((~~-~~));

3 ((~~+3~~)) (c) Determine, by administration of an English test  
4 approved by the superintendent of public instruction the number of  
5 eligible pupils enrolled in the school district at the beginning of a  
6 school year and thereafter during the year as necessary in individual  
7 cases((~~-~~));

8 ((~~+4~~)) (d) Ensure that a student who is a child of a military  
9 family in transition and who has been assessed as in need of, or  
10 enrolled in, a bilingual instruction program, the receiving school  
11 shall initially honor placement of the student into a like program.

12 (i) The receiving school shall determine whether the district's  
13 program is a like program when compared to the sending school's  
14 program; and

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

18 (e) Before the conclusion of each school year, measure each  
19 eligible pupil's improvement in learning the English language by means  
20 of a test approved by the superintendent of public instruction((~~-~~));  
21 and

22 ((~~+5~~)) (f) Provide in-service training for teachers, counselors,  
23 and other staff, who are involved in the district's transitional  
24 bilingual program. Such training shall include appropriate  
25 instructional strategies for children of culturally different  
26 backgrounds, use of curriculum materials, and program models.

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

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

31 Every school district shall admit on a tuition free basis: (1) All  
32 persons of school age who reside within this state, and do not reside  
33 within another school district carrying the grades for which they are  
34 eligible to enroll: PROVIDED, That nothing in this ((~~section~~))  
35 subsection shall be construed as affecting RCW 28A.225.220 or  
36 28A.225.250; and (2) all students who meet the definition of children  
37 of military families in transition under section 1, Article II of this

1 act who are in the care of a noncustodial parent or other person  
2 standing in loco parentis and who lives in another state while the  
3 parent is under military orders.

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

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

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

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

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

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

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

21 (b) The student has been expelled or suspended from a public school  
22 for more than ten consecutive days. Any policy allowing for  
23 readmission of expelled or suspended students under this subsection

24 (2)(b) must apply uniformly to both resident and nonresident  
25 applicants; or

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

32 (3) Except as provided in subsection (1) of this section, all  
33 districts accepting applications from nonresident students or from  
34 students receiving home-based instruction for admission to the  
35 district's schools shall consider equally all applications received.  
36 Each school district shall adopt a policy establishing rational, fair,

1 and equitable standards for acceptance and rejection of applications by  
2 June 30, 1990. The policy may include rejection of a nonresident  
3 student if:

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

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

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

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

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

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

24 (1) A student shall be permitted to remain enrolled in the school  
25 in which the student was enrolled while residing with the custodial  
26 parent if the student:

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

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

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

34 NEW SECTION. **Sec. 9.** By December 1, 2014, the state council,  
35 created in accordance with section 1 of this act, shall conduct a  
36 review of the implementation of the interstate compact on educational

1 opportunity for military children and recommend to the state  
2 legislature whether Washington should continue to be a member of the  
3 compact and whether any other actions should be taken.

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

6 Correct the title.

EFFECT: Retains underlying bill except removes the null and void  
clause.

--- END ---