
HOUSE BILL 1968

State of Washington

67th Legislature

2022 Regular Session

By Representatives Klippert and Graham

Read first time 01/13/22. Referred to Committee on Education.

1 AN ACT Relating to preserving medical autonomy in schools and
2 promoting local authority; amending RCW 28A.210.080, 28A.210.090,
3 28A.210.090, 28A.210.100, 28A.210.120, 28A.210.130, 28A.210.140,
4 28A.705.010, and 43.06.220; reenacting and amending RCW 28A.210.070;
5 creating a new section; repealing RCW 28A.210.060; providing an
6 effective date; providing an expiration date; and declaring an
7 emergency.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 28A.210.070 and 2017 3rd sp.s. c 6 s 217 are each
10 reenacted and amended to read as follows:

11 As used in this section and RCW ~~((28A.210.060))~~ 28A.210.080
12 through 28A.210.170:

13 (1) "Chief administrator" shall mean the person with the
14 authority and responsibility for the immediate supervision of the
15 operation of a school or day care center ~~((as defined in this~~
16 ~~section))~~ or, in the alternative, such other person as may hereafter
17 be designated in writing for the purposes of this section and RCW
18 ~~((28A.210.060))~~ 28A.210.080 through 28A.210.170 by the ~~((statutory or~~
19 ~~corporate board of directors of the school district, school, or day~~
20 ~~care center or, if none, such other persons or person with the~~
21 ~~authority and responsibility for the general supervision of the~~

1 ~~operation of the school district, school or day care center))~~
2 governing body.

3 (2) "Child" shall mean any person, regardless of age, in
4 attendance at a public or private school or a licensed day care
5 center.

6 (3) "Day care center" or "center" shall mean an agency which
7 regularly provides care for a group of thirteen or more children for
8 periods of less than twenty-four hours and is licensed pursuant to
9 chapter 43.216 RCW.

10 (4) (~~"Full immunization"~~) "Governing body" means the statutory
11 or corporate board of directors of the school district, school, or
12 day care center or, if none, such other persons or person with the
13 authority and responsibility for the general supervision of the
14 operation of the school district, school, or day care center.

15 (5) "Minimum required immunizations" shall mean immunization
16 against (~~certain~~) the vaccine-preventable diseases specified by the
17 governing body of the school or day care center, administered in
18 accordance with schedules and with immunizing agents approved by the
19 state board of health.

20 (~~(5)~~) (6) "Local health department" shall mean the city, town,
21 county, district or combined city-county health department, board of
22 health, or health officer which provides public health services.

23 (~~(6)~~) (7) "Private school" means a school approved under
24 chapter 28A.195 RCW.

25 (8) "Public school" has the same meaning as in RCW 28A.150.010.

26 (9) "School" shall mean and include each building, facility, and
27 location at or within which any or all portions of a preschool,
28 kindergarten and grades one through (~~twelve~~) 12 program of
29 education and related activities are conducted for two or more
30 children by or in behalf of any public school (~~district~~) and by or
31 in behalf of any private school (~~or private institution subject to~~
32 ~~approval by the state board of education pursuant to RCW 28A.305.130,~~
33 ~~28A.195.010 through 28A.195.050, and 28A.410.120)).~~

34 **Sec. 2.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to
35 read as follows:

36 (1) The attendance of every child at every public and private
37 school in the state and licensed day care center shall be conditioned
38 upon the presentation before or on each child's first day of
39 attendance at a particular school or center, of proof of either (a)

1 (~~full immunization~~) minimum required immunizations, (b) the
2 initiation of and compliance with (~~a schedule of immunization, as~~
3 ~~required by rules of the state board of health~~) the state board of
4 health's schedules for the minimum required immunizations, or (c) a
5 certificate of exemption as provided for in RCW 28A.210.090. The
6 attendance at the school or the day care center during any subsequent
7 school year of a child who has initiated (~~a schedule of~~
8 ~~immunization~~) schedules for the minimum required immunizations shall
9 be conditioned upon the presentation of proof of compliance with the
10 schedules on the child's first day of attendance during the
11 subsequent school year. Once (~~proof of full immunization or~~) proof
12 of completion of (~~an approved schedule~~) the minimum required
13 immunizations has been presented, no further proof shall be required
14 as a condition to attendance at the particular school or center.

15 (2) (a) Beginning with sixth grade entry, every public and private
16 school in the state shall provide parents and guardians with
17 information about meningococcal disease and its vaccine at the
18 beginning of every school year. The information about meningococcal
19 disease shall include:

20 (i) Its causes and symptoms, how meningococcal disease is spread,
21 and the places where parents and guardians may obtain additional
22 information and vaccinations for their children; and

23 (ii) Current recommendations from the United States centers for
24 disease control and prevention regarding the receipt of vaccines for
25 meningococcal disease and where the vaccination can be received.

26 (b) This subsection shall not be construed to require the
27 department of health or the school to provide meningococcal
28 vaccination to students.

29 (c) The department of health shall prepare the informational
30 materials and shall consult with the office of superintendent of
31 public instruction.

32 (d) This subsection does not create a private right of action.

33 (3) (a) Beginning with sixth grade entry, every public school in
34 the state shall provide parents and guardians with information about
35 human papillomavirus disease and its vaccine at the beginning of
36 every school year. The information about human papillomavirus disease
37 shall include:

38 (i) Its causes and symptoms, how human papillomavirus disease is
39 spread, and the places where parents and guardians may obtain
40 additional information and vaccinations for their children; and

1 (ii) Current recommendations from the United States centers for
2 disease control and prevention regarding the receipt of vaccines for
3 human papillomavirus disease and where the vaccination can be
4 received.

5 (b) This subsection shall not be construed to require the
6 department of health or the school to provide human papillomavirus
7 vaccination to students.

8 (c) The department of health shall prepare the informational
9 materials and shall consult with the office of the superintendent of
10 public instruction.

11 (d) This subsection does not create a private right of action.

12 (4) Private schools are required by state law to notify parents
13 that information on the human papillomavirus disease prepared by the
14 department of health is available.

15 **Sec. 3.** RCW 28A.210.090 and 2019 c 362 s 2 are each amended to
16 read as follows:

17 (1) Any child shall be exempt in whole or in part from the
18 immunization measures required by RCW ((~~28A.210.060~~)) 28A.210.070
19 through 28A.210.170 upon the presentation of any one or more of the
20 certifications required by this section, on a form prescribed by the
21 department of health:

22 (a) A written certification signed by a health care practitioner
23 that a particular vaccine required by rule of the state board of
24 health is, in his or her judgment, not advisable for the child:
25 PROVIDED, That when it is determined that this particular vaccine is
26 no longer contraindicated, the child will be required to have the
27 vaccine;

28 (b) A written certification signed by any parent or legal
29 guardian of the child or any adult in loco parentis to the child that
30 the religious beliefs of the signator are contrary to the required
31 immunization measures; or

32 (c) A written certification signed by any parent or legal
33 guardian of the child or any adult in loco parentis to the child that
34 the signator has either a philosophical or personal objection to the
35 immunization of the child. A philosophical or personal objection may
36 not be used to exempt a child from the measles, mumps, and rubella
37 vaccine.

38 (2)(a) The form presented on or after July 22, 2011, must include
39 a statement to be signed by a health care practitioner stating that

1 he or she provided the signator with information about the benefits
2 and risks of immunization to the child. The form may be signed by a
3 health care practitioner at any time prior to the enrollment of the
4 child in a school or licensed day care. Photocopies of the signed
5 form or a letter from the health care practitioner referencing the
6 child's name shall be accepted in lieu of the original form.

7 (b) A health care practitioner who, in good faith, signs the
8 statement provided for in (a) of this subsection is immune from civil
9 liability for providing the signature.

10 (c) Any parent or legal guardian of the child or any adult in
11 loco parentis to the child who exempts the child due to religious
12 beliefs pursuant to subsection (1)(b) of this section is not required
13 to have the form provided for in (a) of this subsection signed by a
14 health care practitioner if the parent or legal guardian demonstrates
15 membership in a religious body or a church in which the religious
16 beliefs or teachings of the church preclude a health care
17 practitioner from providing medical treatment to the child.

18 (3) For purposes of this section, "health care practitioner"
19 means a physician licensed under chapter 18.71 or 18.57 RCW, a
20 naturopath licensed under chapter 18.36A RCW, a physician assistant
21 licensed under chapter 18.71A or 18.57A RCW, or an advanced
22 registered nurse practitioner licensed under chapter 18.79 RCW.

23 **Sec. 4.** RCW 28A.210.090 and 2020 c 80 s 27 are each amended to
24 read as follows:

25 (1) Any child shall be exempt in whole or in part from the
26 immunization measures required by RCW ((~~28A.210.060~~)) 28A.210.070
27 through 28A.210.170 upon the presentation of any one or more of the
28 certifications required by this section, on a form prescribed by the
29 department of health:

30 (a) A written certification signed by a health care practitioner
31 that a particular vaccine required by rule of the state board of
32 health is, in his or her judgment, not advisable for the child:
33 PROVIDED, That when it is determined that this particular vaccine is
34 no longer contraindicated, the child will be required to have the
35 vaccine;

36 (b) A written certification signed by any parent or legal
37 guardian of the child or any adult in loco parentis to the child that
38 the religious beliefs of the signator are contrary to the required
39 immunization measures; or

1 (c) A written certification signed by any parent or legal
2 guardian of the child or any adult in loco parentis to the child that
3 the signator has either a philosophical or personal objection to the
4 immunization of the child. A philosophical or personal objection may
5 not be used to exempt a child from the measles, mumps, and rubella
6 vaccine.

7 (2) (a) The form presented on or after July 22, 2011, must include
8 a statement to be signed by a health care practitioner stating that
9 he or she provided the signator with information about the benefits
10 and risks of immunization to the child. The form may be signed by a
11 health care practitioner at any time prior to the enrollment of the
12 child in a school or licensed day care. Photocopies of the signed
13 form or a letter from the health care practitioner referencing the
14 child's name shall be accepted in lieu of the original form.

15 (b) A health care practitioner who, in good faith, signs the
16 statement provided for in (a) of this subsection is immune from civil
17 liability for providing the signature.

18 (c) Any parent or legal guardian of the child or any adult in
19 loco parentis to the child who exempts the child due to religious
20 beliefs pursuant to subsection (1) (b) of this section is not required
21 to have the form provided for in (a) of this subsection signed by a
22 health care practitioner if the parent or legal guardian demonstrates
23 membership in a religious body or a church in which the religious
24 beliefs or teachings of the church preclude a health care
25 practitioner from providing medical treatment to the child.

26 (3) For purposes of this section, "health care practitioner"
27 means a physician licensed under chapter 18.71 or 18.57 RCW, a
28 naturopath licensed under chapter 18.36A RCW, a physician assistant
29 licensed under chapter 18.71A RCW, or an advanced registered nurse
30 practitioner licensed under chapter 18.79 RCW.

31 **Sec. 5.** RCW 28A.210.100 and 1990 c 33 s 194 are each amended to
32 read as follows:

33 The immunizations required by RCW (~~(28A.210.060)~~) 28A.210.070
34 through 28A.210.170 may be obtained from any private or public source
35 desired: PROVIDED, That the immunization is administered and records
36 are made in accordance with the regulations of the state board of
37 health. Any person or organization administering immunizations shall
38 furnish each person immunized, or his or her parent or legal
39 guardian, or any adult in loco parentis to the child, with a written

1 record of immunization given in a form prescribed by the state board
2 of health.

3 **Sec. 6.** RCW 28A.210.120 and 2006 c 263 s 909 are each amended to
4 read as follows:

5 It shall be the duty of the chief administrator of every public
6 and private school and day care center to prohibit the further
7 presence at the school or day care center for any and all purposes of
8 each child for whom proof of immunization, certification of
9 exemption, or proof of compliance with an approved schedule of
10 immunization has not been provided in accordance with RCW 28A.210.080
11 and to continue to prohibit the child's presence until such proof of
12 immunization, certification of exemption, or approved schedule has
13 been provided. The exclusion of a child from a school shall be
14 accomplished in accordance with rules of the office of the
15 superintendent, in consultation with the state board of health. The
16 exclusion of a child from a day care center shall be accomplished in
17 accordance with rules of the department of social and health
18 services. Prior to the exclusion of a child, each school or day care
19 center shall provide written notice to the parent(s) or legal
20 guardian(s) of each child or to the adult(s) in loco parentis to each
21 child, who is not in compliance with the requirements of RCW
22 28A.210.080. The notice shall fully inform such person(s) of the
23 following: (1) The requirements established by and pursuant to RCW
24 (~~28A.210.060~~) 28A.210.070 through 28A.210.170; (2) the fact that
25 the child will be prohibited from further attendance at the school
26 unless RCW 28A.210.080 is complied with; (3) such procedural due
27 process rights as are hereafter established pursuant to RCW
28 28A.210.160 and/or 28A.210.170, as appropriate; and (4) the
29 immunization services that are available from or through the local
30 health department and other public agencies.

31 **Sec. 7.** RCW 28A.210.130 and 1990 c 33 s 197 are each amended to
32 read as follows:

33 The superintendent of public instruction shall provide for
34 information about the immunization program and requirements under RCW
35 (~~28A.210.060~~) 28A.210.070 through 28A.210.170 to be widely
36 available throughout the state in order to promote full use of the
37 program.

1 G. Promoting coordination between this compact and other compacts
2 affecting military children; and

3 H. Promoting flexibility and cooperation between the educational
4 system, parents, and the student in order to achieve educational
5 success for the student.

6 ARTICLE II
7 DEFINITIONS

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

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

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

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

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

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

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

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

1 H. "Local education agency" means a public authority legally
2 constituted by the state as an administrative agency to provide
3 control of and direction for kindergarten through twelfth grade
4 public educational institutions.

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

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

15 K. "Nonmember state" means a state that has not enacted this
16 compact.

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

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

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

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

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

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

39 R. "Uniformed services" means the army, navy, air force, marine
40 corps, and coast guard, as well as the commissioned corps of the

1 national oceanic and atmospheric administration, and public health
2 services.

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

6 ARTICLE III
7 APPLICABILITY

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

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

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

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

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

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

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

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

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

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

31 ARTICLE IV
32 EDUCATIONAL RECORDS AND ENROLLMENT

33 A. Unofficial or "hand-carried" education records - In the event
34 that official education records cannot be released to the parents for
35 the purpose of transfer, the custodian of the records in the sending
36 state shall prepare and furnish to the parent a complete set of
37 unofficial educational records containing uniform information as
38 determined by the interstate commission. Upon receipt of the

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

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

17 C. Immunizations - On or before the first day of attendance, the
18 parent or guardian must meet the immunization documentation
19 requirements of (~~the Washington board of health~~) RCW 28A.210.070
20 through 28A.210.170. Compacting states shall give thirty days from
21 the date of enrollment or within such time as is reasonably
22 determined under the rules promulgated by the interstate commission,
23 for students to obtain any immunizations required by the receiving
24 state. For a series of immunizations, initial vaccinations must be
25 obtained within thirty days or within such time as is reasonably
26 determined under the rules promulgated by the interstate commission.

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

39 ARTICLE V

1 PLACEMENT AND ATTENDANCE

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

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

27 C. Special education services - (1) In compliance with the
28 federal requirements of the Individuals with Disabilities Education
29 Act (IDEA), 20 U.S.C. Sec. 1400 et seq., the receiving state shall
30 initially provide comparable services to a student with disabilities
31 based on his or her current Individualized Education Program (IEP);
32 and (2) in compliance with the requirements of section 504 of the
33 rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the
34 Americans with disabilities act, 42 U.S.C. Secs. 12131-12165, the
35 receiving state shall make reasonable accommodations and
36 modifications to address the needs of incoming students with
37 disabilities, subject to an existing 504 or Title II plan, to provide
38 the student with equal access to education. This does not preclude

1 the school in the receiving state from performing subsequent
2 evaluations to ensure appropriate placement of the student.

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

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

16 ARTICLE VI

17 ELIGIBILITY

18 A. Eligibility for enrollment

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

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

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

32 B. Eligibility for extracurricular participation - Under RCW
33 28A.225.280, the Washington interscholastic activities association
34 and local education agencies shall facilitate the opportunity for
35 transitioning military children's inclusion in extracurricular
36 activities, regardless of application deadlines, to the extent they
37 are otherwise qualified and space is available, as determined by the
38 school district.

39 ARTICLE VII

1 GRADUATION

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

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

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

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

32 ARTICLE VIII
33 STATE COORDINATION

34 A. Each member state shall, through the creation of a state
35 council or use of an existing body or board, provide for the
36 coordination among its agencies of government, local education
37 agencies, and military installations concerning the state's
38 participation in, and compliance with, this compact and interstate
39 commission activities. While each member state may determine the

1 membership of its own state council, its membership must include at
2 least: The state superintendent of public instruction, a
3 superintendent of a school district with a high concentration of
4 military children, a representative from a military installation, one
5 representative each from the legislative and executive branches of
6 government, and other offices and stakeholder groups the state
7 council deems appropriate. A member state that does not have a school
8 district deemed to contain a high concentration of military children
9 may appoint a superintendent from another school district to
10 represent local education agencies on the state council.

11 B. The state council of each member state shall appoint or
12 designate a military family education liaison to assist military
13 families and the state in facilitating the implementation of this
14 compact.

15 C. The compact commissioner responsible for the administration
16 and management of the state's participation in the compact shall be
17 appointed by the governor or as otherwise determined by each member
18 state. The governor is strongly encouraged to appoint a practicing
19 K-12 educator as the compact commissioner.

20 D. The compact commissioner and the military family education
21 liaison designated herein shall be ex officio members of the state
22 council, unless either is already a full voting member of the state
23 council.

24 ARTICLE IX

25 INTERSTATE COMMISSION ON EDUCATIONAL 26 OPPORTUNITY FOR MILITARY CHILDREN

27 The member states hereby create the "interstate commission on
28 educational opportunity for military children." The activities of the
29 interstate commission are the formation of public policy and are a
30 discretionary state function. The interstate commission shall:

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

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

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

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

6 3. A representative shall not delegate a vote to another member
7 state. In the event the compact commissioner is unable to attend a
8 meeting of the interstate commission, the governor or state council
9 may delegate voting authority to another person from their state for
10 a specified meeting.

11 4. The bylaws may provide for meetings of the interstate
12 commission to be conducted by telecommunication or electronic
13 communication;

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

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

26 E. Establish an executive committee, whose members shall include
27 the officers of the interstate commission and such other members of
28 the interstate commission as determined by the bylaws. Members of the
29 executive committee shall serve a one-year term. Members of the
30 executive committee shall be entitled to one vote each. The executive
31 committee shall have the power to act on behalf of the interstate
32 commission, with the exception of rule making, during periods when
33 the interstate commission is not in session. The executive committee
34 shall oversee the day-to-day activities of the administration of the
35 compact including enforcement and compliance with the provisions of
36 the compact, its bylaws and rules, and other such duties as deemed
37 necessary. The U.S. department of defense shall serve as an ex
38 officio, nonvoting member of the executive committee;

39 F. Establish bylaws and rules that provide for conditions and
40 procedures under which the interstate commission shall make its

1 information and official records available to the public for
2 inspection or copying. The interstate commission may exempt from
3 disclosure information or official records to the extent they would
4 adversely affect personal privacy rights or proprietary interests;

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

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

12 2. Disclose matters specifically exempted from disclosure by
13 federal and state statute;

14 3. Disclose trade secrets or commercial or financial information
15 which is privileged or confidential;

16 4. Involve accusing a person of a crime, or formally censuring a
17 person;

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

20 6. Disclose investigative records compiled for law enforcement
21 purposes; or

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

24 H. Cause its legal counsel or designee to certify that a meeting
25 may be closed and shall reference each relevant exemptible provision
26 for any meeting, or portion of a meeting, which is closed pursuant to
27 this provision. The interstate commission shall keep minutes which
28 shall fully and clearly describe all matters discussed in a meeting
29 and shall provide a full and accurate summary of actions taken, and
30 the reasons therefor, including a description of the views expressed
31 and the record of a roll call vote. All documents considered in
32 connection with an action shall be identified in such minutes. All
33 minutes and documents of a closed meeting shall remain under seal,
34 subject to release by a majority vote of the interstate commission;

35 I. Collect standardized data concerning the educational
36 transition of the children of military families under this compact as
37 directed through its rules which shall specify the data to be
38 collected, the means of collection, and data exchange and reporting
39 requirements. Such methods of data collection, exchange, and
40 reporting shall, in so far as is reasonably possible, conform to

1 current technology and coordinate its information functions with the
2 appropriate custodian of records as identified in the bylaws and
3 rules;

4 J. Create a process that permits military officials, education
5 officials, and parents to inform the interstate commission if and
6 when there are alleged violations of the compact or its rules or when
7 issues subject to the jurisdiction of the compact or its rules are
8 not addressed by the state or local education agency. This section
9 shall not be construed to create a private right of action against
10 the interstate commission or any member state.

11 ARTICLE X

12 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

13 The interstate commission shall have the following powers:

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

15 B. To promulgate rules and take all necessary actions to effect
16 the goals, purposes, and obligations as enumerated in this compact.
17 The rules shall have the force and effect of statutory law and shall
18 be binding in the compact states to the extent and in the manner
19 provided in this compact;

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

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

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

29 F. To purchase and maintain insurance and bonds;

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

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

37 I. To elect or appoint such officers, attorneys, employees,
38 agents, or consultants, and to fix their compensation, define their
39 duties, and determine their qualifications; and to establish the

1 interstate commission's personnel policies and programs relating to
2 conflicts of interest, rates of compensation, and qualifications of
3 personnel;

4 J. To accept any and all donations and grants of money,
5 equipment, supplies, materials, and services, and to receive,
6 utilize, and dispose of it;

7 K. To lease, purchase, accept contributions or donations of, or
8 otherwise to own, hold, improve, or use any property, real, personal,
9 or mixed;

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

12 M. To establish a budget and make expenditures;

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

15 O. To report annually to the legislatures, governors, judiciary,
16 and state councils of the member states concerning the activities of
17 the interstate commission during the preceding year. Such reports
18 shall also include any recommendations that may have been adopted by
19 the interstate commission;

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

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

25 R. To maintain corporate books and records in accordance with the
26 bylaws;

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

29 T. To provide for the uniform collection and sharing of
30 information between and among member states, schools, and military
31 families under this compact.

32 ARTICLE XI

33 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

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

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

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

6 4. Providing reasonable procedures for calling and conducting
7 meetings of the interstate commission, and ensuring reasonable notice
8 of each such meeting;

9 5. Establishing the titles and responsibilities of the officers
10 and staff of the interstate commission;

11 6. Providing a mechanism for concluding the operations of the
12 interstate commission and the return of surplus funds that may exist
13 upon the termination of the compact after the payment and reserving
14 of all of its debts and obligations; and

15 7. Providing "start-up" rules for initial administration of the
16 compact.

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

28 C. Executive committee, officers, and personnel

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

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

33 b. Overseeing an organizational structure within, and appropriate
34 procedures for the interstate commission to provide for the creation
35 of rules, operating procedures, and administrative and technical
36 support functions; and

37 c. Planning, implementing, and coordinating communications and
38 activities with other state, federal, and local government
39 organizations in order to advance the goals of the interstate
40 commission.

1 2. The executive committee may, subject to the approval of the
2 interstate commission, appoint or retain an executive director for
3 such period, upon such terms and conditions and for such
4 compensation, as the interstate commission may deem appropriate. The
5 executive director shall serve as secretary to the interstate
6 commission, but shall not be a member of the interstate commission.
7 The executive director shall hire and supervise such other persons as
8 may be authorized by the interstate commission.

9 D. The interstate commission's executive director and its
10 employees shall be immune from suit and liability, either personally
11 or in their official capacity, for a claim for damage to or loss of
12 property or personal injury or other civil liability caused or
13 arising out of or relating to an actual or alleged act, error, or
14 omission that occurred, or that such person had a reasonable basis
15 for believing occurred, within the scope of interstate commission
16 employment, duties, or responsibilities; provided, that such person
17 shall not be protected from suit or liability for damage, loss,
18 injury, or liability caused by the intentional or willful and wanton
19 misconduct of such person.

20 1. The liability of the interstate commission's executive
21 director and employees or interstate commission representatives,
22 acting within the scope of such person's employment or duties for
23 acts, errors, or omissions occurring within such person's state may
24 not exceed the limits of liability set forth under the Constitution
25 and laws of that state for state officials, employees, and agents.
26 The interstate commission is considered to be an instrumentality of
27 the states for the purposes of any such action. Nothing in this
28 subsection shall be construed to protect such person from suit or
29 liability for damage, loss, injury, or liability caused by the
30 intentional or willful and wanton misconduct of such person.

31 2. The interstate commission shall defend the executive director
32 and its employees and, subject to the approval of the attorney
33 general or other appropriate legal counsel of the member state
34 represented by an interstate commission representative, shall defend
35 such interstate commission representative in any civil action seeking
36 to impose liability arising out of an actual or alleged act, error,
37 or omission that occurred within the scope of interstate commission
38 employment, duties, or responsibilities, or that the defendant had a
39 reasonable basis for believing occurred within the scope of
40 interstate commission employment, duties, or responsibilities,

1 provided that the actual or alleged act, error, or omission did not
2 result from intentional or willful and wanton misconduct on the part
3 of such person.

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

16 ARTICLE XII

17 RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

18 A. Rule-making authority - The interstate commission shall
19 promulgate reasonable rules in order to effectively and efficiently
20 achieve the purposes of this compact. Notwithstanding the foregoing,
21 in the event the interstate commission exercises its rule-making
22 authority in a manner that is beyond the scope of the purposes of
23 this compact, or the powers granted hereunder, then such an action by
24 the interstate commission shall be invalid and have no force or
25 effect.

26 B. Rule-making procedure - Rules shall be made pursuant to a
27 rule-making process that substantially conforms to the "model state
28 administrative procedure act," of 1981, Uniform Laws Annotated, Vol.
29 15, p.1 (2000) as amended, as may be appropriate to the operations of
30 the interstate commission.

31 C. Not later than thirty days after a rule is promulgated, any
32 person may file a petition for judicial review of the rule; provided,
33 that the filing of such a petition shall not stay or otherwise
34 prevent the rule from becoming effective unless the court finds that
35 the petitioner has a substantial likelihood of success. The court
36 shall give deference to the actions of the interstate commission
37 consistent with applicable law and shall not find the rule to be
38 unlawful if the rule represents a reasonable exercise of the
39 interstate commission's authority.

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

5 ARTICLE XIII

6 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

7 A. Oversight

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

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

17 3. The interstate commission shall be entitled to receive all
18 service of process in any such proceeding, and shall have standing to
19 intervene in the proceeding for all purposes. Failure to provide
20 service of process to the interstate commission shall render a
21 judgment or order void as to the interstate commission, this compact,
22 or promulgated rules.

23 B. Default, technical assistance, suspension, and termination -
24 If the interstate commission determines that a member state has
25 defaulted in the performance of its obligations or responsibilities
26 under this compact, or the bylaws or promulgated rules, the
27 interstate commission shall:

28 1. Provide written notice to the defaulting state and other
29 member states of the nature of the default, the means of curing the
30 default, and any action taken by the interstate commission. The
31 interstate commission shall specify the conditions by which the
32 defaulting state must cure its default;

33 2. Provide remedial training and specific technical assistance
34 regarding the default;

35 3. If the defaulting state fails to cure the default, the
36 defaulting state shall be terminated from the compact upon an
37 affirmative vote of a majority of the member states and all rights,
38 privileges, and benefits conferred by this compact shall be
39 terminated from the effective date of termination. A cure of the

1 default does not relieve the offending state of obligations or
2 liabilities incurred during the period of the default;

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

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

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

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

24 C. Dispute Resolution

25 1. The interstate commission shall attempt, upon the request of a
26 member state, to resolve disputes which are subject to the compact
27 and which may arise among member states and between member and
28 nonmember states.

29 2. The interstate commission shall promulgate a rule providing
30 for both mediation and binding dispute resolution for disputes as
31 appropriate.

32 D. Enforcement

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

35 2. The interstate commission, may by majority vote of the
36 members, initiate legal action in the United (~~State[s]~~) States
37 District Court for the District of Columbia or, at the discretion of
38 the interstate commission, in the federal district where the
39 interstate commission has its principal offices, to enforce
40 compliance with the provisions of the compact, and its promulgated

1 rules and bylaws, against a member state in default. The relief
2 sought may include both injunctive relief and damages. In the event
3 judicial enforcement is necessary the prevailing party shall be
4 awarded all costs of such litigation including reasonable attorneys'
5 fees.

6 3. The remedies herein shall not be the exclusive remedies of the
7 interstate commission. The interstate commission may avail itself of
8 any other remedies available under state law or the regulation of a
9 profession.

10 ARTICLE XIV

11 FINANCING OF THE INTERSTATE COMMISSION

12 A. The interstate commission shall pay, or provide for the
13 payment of the reasonable expenses of its establishment,
14 organization, and ongoing activities.

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

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

27 D. The interstate commission shall keep accurate accounts of all
28 receipts and disbursements. The receipts and disbursements of the
29 interstate commission shall be subject to the audit and accounting
30 procedures established under its bylaws. However, all receipts and
31 disbursements of funds handled by the interstate commission shall be
32 audited yearly by a certified or licensed public accountant and the
33 report of the audit shall be included in and become part of the
34 annual report of the interstate commission.

35 ARTICLE XV

36 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

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

1 B. The compact shall become effective and binding upon
2 legislative enactment of the compact into law by no less than ten of
3 the states. The effective date shall be no earlier than December 1,
4 2007.

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

10 C. The interstate commission may propose amendments to the
11 compact for enactment by the member states. No amendment shall become
12 effective and binding upon the interstate commission and the member
13 states unless and until it is enacted into law by unanimous consent
14 of the member states.

15 ARTICLE XVI
16 WITHDRAWAL AND DISSOLUTION

17 A. Withdrawal

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

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

27 3. The withdrawing state shall immediately notify the chairperson
28 of the interstate commission in writing upon the introduction of
29 legislation repealing this compact in the withdrawing state. The
30 interstate commission shall notify the other member states of the
31 withdrawing state's intent to withdraw within sixty days of its
32 receipt thereof.

33 4. The withdrawing state is responsible for all assessments,
34 obligations, and liabilities incurred through the effective date of
35 withdrawal, including obligations, the performance of which extend
36 beyond the effective date of withdrawal.

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

1 B. Dissolution of compact

2 1. This compact shall dissolve effective upon the date of the
3 withdrawal or default of the member state which reduces the
4 membership in the compact to one member state.

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

9 ARTICLE XVII

10 SEVERABILITY AND CONSTRUCTION

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

14 B. The provisions of this compact shall be liberally construed to
15 effectuate its purposes.

16 C. Nothing in this compact shall be construed to prohibit the
17 applicability of other interstate compacts to which the states are
18 members.

19 ARTICLE XVIII

20 BINDING EFFECT OF COMPACT AND OTHER LAWS

21 A. Other laws

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

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

26 B. Binding effect of the compact

27 1. All lawful actions of the interstate commission, including all
28 rules and bylaws promulgated by the interstate commission, are
29 binding upon the member states.

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

32 3. In the event any provision of this compact exceeds the
33 constitutional limits imposed on the legislature of any member state,
34 such provision shall be ineffective to the extent of the conflict
35 with the constitutional provision in question in that member state.

36 **Sec. 10.** RCW 43.06.220 and 2019 c 472 s 2 are each amended to
37 read as follows:

1 (1) The governor after proclaiming a state of emergency and prior
2 to terminating such, may, in the area described by the proclamation
3 issue an order prohibiting:

4 (a) Any person being on the public streets, or in the public
5 parks, or at any other public place during the hours declared by the
6 governor to be a period of curfew;

7 (b) Any number of persons, as designated by the governor, from
8 assembling or gathering on the public streets, parks, or other open
9 areas of this state, either public or private;

10 (c) The manufacture, transfer, use, possession or transportation
11 of a molotov cocktail or any other device, instrument or object
12 designed to explode or produce uncontained combustion;

13 (d) The transporting, possessing or using of gasoline, kerosene,
14 or combustible, flammable, or explosive liquids or materials in a
15 glass or uncapped container of any kind except in connection with the
16 normal operation of motor vehicles, normal home use or legitimate
17 commercial use;

18 (e) The sale, purchase or dispensing of alcoholic beverages;

19 (f) The sale, purchase or dispensing of other commodities or
20 goods, as he or she reasonably believes should be prohibited to help
21 preserve and maintain life, health, property or the public peace;

22 (g) The use of certain streets, highways or public ways by the
23 public; and

24 (h) Such other activities as he or she reasonably believes should
25 be prohibited to help preserve and maintain life, health, property or
26 the public peace.

27 (2) The governor after proclaiming a state of emergency and prior
28 to terminating such may, in the area described by the proclamation,
29 issue an order or orders concerning waiver or suspension of statutory
30 obligations or limitations in the following areas:

31 (a) Liability for participation in interlocal agreements;

32 (b) Inspection fees owed to the department of labor and
33 industries;

34 (c) Application of the family emergency assistance program;

35 (d) Regulations, tariffs, and notice requirements under the
36 jurisdiction of the utilities and transportation commission;

37 (e) Application of tax due dates and penalties relating to
38 collection of taxes;

39 (f) Permits for industrial, business, or medical uses of alcohol;
40 and

1 (g) Such other statutory and regulatory obligations or
2 limitations prescribing the procedures for conduct of state business,
3 or the orders, rules, or regulations of any state agency if strict
4 compliance with the provision of any statute, order, rule, or
5 regulation would in any way prevent, hinder, or delay necessary
6 action in coping with the emergency, unless (i) authority to waive or
7 suspend a specific statutory or regulatory obligation or limitation
8 has been expressly granted to another statewide elected official,
9 (ii) the waiver or suspension would conflict with federal
10 requirements that are a prescribed condition to the allocation of
11 federal funds to the state, (~~(iii)~~) (iii) the waiver or suspension
12 would conflict with RCW 28A.210.070 through 28A.210.170, or (iv) the
13 waiver or suspension would conflict with the rights, under the First
14 Amendment, of freedom of speech or of the people to peaceably
15 assemble. The governor shall give as much notice as practical to
16 legislative leadership and impacted local governments when issuing
17 orders under this subsection (2)(g).

18 (3) In imposing the restrictions provided for by RCW 43.06.010,
19 and 43.06.200 through 43.06.270, the governor may impose them for
20 such times, upon such conditions, with such exceptions and in such
21 areas of this state he or she from time to time deems necessary.

22 (4) No order or orders concerning waiver or suspension of
23 statutory obligations or limitations under subsection (2) of this
24 section may continue for longer than thirty days unless extended by
25 the legislature through concurrent resolution. If the legislature is
26 not in session, the waiver or suspension of statutory obligations or
27 limitations may be extended in writing by the leadership of the
28 senate and the house of representatives until the legislature can
29 extend the waiver or suspension by concurrent resolution. For
30 purposes of this section, "leadership of the senate and the house of
31 representatives" means the majority and minority leaders of the
32 senate and the speaker and the minority leader of the house of
33 representatives.

34 (5) Any person willfully violating any provision of an order
35 issued by the governor under this section is guilty of a gross
36 misdemeanor.

37 NEW SECTION. **Sec. 11.** RCW 28A.210.060 (Immunization program—
38 Purpose) and 1990 c 33 s 190, 1984 c 40 s 3, & 1979 ex.s. c 118 s 1
39 are each repealed.

1 NEW SECTION. **Sec. 12.** This act may be known and cited as the
2 students' medical freedom act.

3 NEW SECTION. **Sec. 13.** Except for section 4 of this act, this
4 act is necessary for the immediate preservation of the public peace,
5 health, or safety, or support of the state government and its
6 existing public institutions, and takes effect immediately.

7 NEW SECTION. **Sec. 14.** Section 3 of this act expires July 1,
8 2022.

9 NEW SECTION. **Sec. 15.** Section 4 of this act takes effect July
10 1, 2022.

--- END ---