

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1951

6 By: Wilcoxson of the Senate

7 and

8 Jones of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to schools; requiring districts to
11 forward portion of forfeited bond to certain fund;
12 placing certain assessment on persons convicted of
13 certain crimes; specifying assessment to be mandatory
14 and not subject to suspension; providing for failure
15 to comply with certain conditions to be in contempt
16 of court; providing for terms of collection;
17 requiring court clerk to forward assessment payments
18 to certain fund; creating the School Investigative
19 Audit Revolving Fund; specifying purpose of fund and
20 procedures related thereto; providing for entry into
21 the Interstate Compact on Educational Opportunity for
22 Military Children; providing short title; stating
23 purpose of Compact; defining terms; stating
24 applicability of Compact to certain children;
providing exceptions; providing for release and
transmission of educational records; providing for
immunizations; providing for enrollment; providing
for placement of children in courses, educational
programs and special education services; requiring
placement flexibility; allowing absences as related
to deployment activities; providing for eligibility
for enrollment and extracurricular participation;
establishing graduation procedures and requirements;
requiring creation of a State Council; requiring
certain membership; requiring appointment of a
military family education liaison; providing for a
state compact commissioner; creating Interstate
Commission on Educational Opportunity for Military

1 Children; providing for membership of Commission;
2 prescribing procedures of Commission; authorizing
3 establishment of executive committee of Commission;
4 stating duties and authority of certain committee;
5 authorizing Commission to promulgate rules and adopt
6 bylaws; requiring certain notice of meetings;
7 providing for closure of a meeting; requiring
8 collection of certain data; requiring Commission to
9 establish reporting process for military official and
10 parents; stating powers and duties of Commission;
11 requiring adoption of bylaws within certain time
12 period; providing for election of officers; stating
13 powers and duties of the executive committee;
14 authorizing certain personnel; providing certain
15 immunity; requiring the Commission to promulgate
16 rules; requiring adherence to certain laws; providing
17 for certain oversight and enforcement of the Compact;
18 providing for default and suspension or termination
19 of member states; providing penalties and remedies
20 for default on Compact; authorizing Commission to
21 levy and collect annual assessments from Compacting
22 states; requiring certain auditing procedures; making
23 all states eligible; providing effective date of
24 Compact; providing for withdrawal from Compact;
providing for termination of Compact; providing for
severability and construction of provisions of
Compact; stating effect of Compact on certain state
laws; creating the Oklahoma State Council for
Educational Opportunity for Military Children;
providing for membership and officers; stating terms;
exempting members of Council from dual-office-holding
prohibitions; providing for removal of members and
appointment of vacant positions; requiring compliance
by Council with Oklahoma Open Meeting Act, Oklahoma
Open Records Act, and Administrative Procedures Act;
authorizing reimbursement for certain expenses;
stating duties and powers of Council; authorizing
Council to promulgate certain rules; authorizing
selection of state employee as compact commissioner
and military family education liaison; requiring
employment of compact commissioner and military
family education liaison; designating compact
commissioner as commissioner on certain commission;
authorizing substitute appointment for certain
purpose; making certain position unclassified;
delaying implementation of certain provision;

1 providing for codification; providing an effective
2 date; and declaring an emergency.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 18-118.1 of Title 70, unless
7 there is created a duplication in numbering, reads as follows:

8 A. When a bond is forfeited due to illegal activity of a school
9 district officer or employee and an audit performed by the Office of
10 the State Auditor and Inspector reported the illegal activity, the
11 school district shall forward ten percent (10%) of the amount of the
12 forfeited bond to the State Board of Education for deposit to the
13 School Investigative Audit Revolving Fund.

14 B. 1. Every person convicted of the crime of theft,
15 embezzlement, conversion, or misappropriation of school district
16 funds shall be assessed an amount equivalent to ten percent (10%) of
17 any court-ordered restitution costs.

18 2. The assessment shall be mandatory and in addition to and not
19 in lieu of any fines, restitution costs, other assessments, or
20 forfeitures authorized or required by law for the offense. The
21 assessment required by this subsection shall not be subject to any
22 order of suspension. The court shall order either a lump-sum
23 payment or establish a payment schedule.

1 3. Willful failure of the offender to comply with the payment
2 schedule shall be considered contempt of court.

3 4. For purposes of collection, the assessment order shall not
4 expire until paid in full, nor shall the assessment order be limited
5 by the term of imprisonment prescribed by law for the offense, nor
6 by any term of imprisonment imposed against the offender, whether
7 suspended or actually served.

8 5. The assessment provided for in this subsection shall be
9 collected by the court clerk as provided for collection of fines and
10 costs. When assessment payments are collected by the court clerk
11 pursuant to court order, the funds shall be forwarded to the State
12 Board of Education for deposit into the School Investigative Audit
13 Revolving Fund created by this section.

14 C. 1. There is hereby created in the State Treasury a
15 revolving fund for the State Board of Education to be designated the
16 "School Investigative Audit Revolving Fund". The fund shall be a
17 continuing fund, not subject to fiscal year limitations, and shall
18 consist of all monies paid to and received by the State Board of
19 Education from school districts, officers, or employees for the
20 performance of audits, for the forfeiture of bonds, or for
21 assessments ordered in addition to court-ordered restitution costs,
22 and monies appropriated or transferred to the fund by the
23 Legislature.

1 2. All monies accruing to the credit of the fund are hereby
2 appropriated and may be budgeted and expended by the State Board of
3 Education to reimburse the Office of the State Auditor and Inspector
4 for costs incurred in the performance of special audits conducted
5 pursuant to the provisions of Section 213 of Title 74 of the
6 Oklahoma Statutes.

7 3. Prior to approval of any payment from this fund, the State
8 Board of Education shall determine that a school district that is
9 liable for expenses incurred due to the performance of an audit is
10 unable to pay such expenses. Payments from this fund shall only be
11 made to the extent that monies are available in the fund.
12 Expenditures from the fund shall be made upon warrants issued by the
13 State Treasurer against claims filed as prescribed by law with the
14 Director of State Finance for approval and payment.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 510.1 of Title 70, unless there
17 is created a duplication in numbering, reads as follows:

18 Sections 2 through 6 of this act shall be known and may be cited
19 as the "Interstate Compact on Educational Opportunity for Military
20 Children".

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 510.2 of Title 70, unless there
23 is created a duplication in numbering, reads as follows:

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1 The Interstate Compact on Educational Opportunity for Military
2 Children is hereby enacted into law and entered into with all
3 jurisdictions legally joining therein, in the form substantially as
4 follows:

5 INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY

6 FOR MILITARY CHILDREN

7 ARTICLE I. PURPOSE

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

11 1. Facilitating the timely enrollment of children of military
12 families and ensuring that they are not placed at a disadvantage due
13 to difficulty in the transfer of education records from the previous
14 school district(s) or variations in entrance/age requirements;

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

19 3. Facilitating the qualification and eligibility for enrollment,
20 educational programs, and participation in extracurricular academic,
21 athletic, and social activities;

22 4. Facilitating the on-time graduation of children of military
23 families;

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1 5. Providing for the promulgation and enforcement of
2 administrative rules implementing the provisions of this compact;

3 6. Providing for the uniform collection and sharing of
4 information between and among member states, schools and military
5 families under this compact;

6 7. Promoting coordination between this compact and other
7 compacts affecting military children; and

8 8. Promoting flexibility and cooperation between the
9 educational system, parents and the student in order to achieve
10 educational success for the student.

11 ARTICLE II. DEFINITIONS

12 As used in this compact, unless the context clearly requires a
13 different construction:

14 1. "Active duty" means full-time duty status in the active
15 uniformed service of the United States, including members of the
16 National Guard and Military Reserve on active duty orders pursuant to
17 10 U.S.C., Sections 1209 and 1211;

18 2. "Children of military families" means a school-aged
19 child(ren), enrolled in Kindergarten through Twelfth grade, in the
20 household of an active duty member;

21 3. "Compact commissioner" means the voting representative of
22 each compacting state appointed pursuant to Article VIII of this
23 compact;

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1 4. "Deployment" means the period one (1) month prior to the
2 service members' departure from their home station on military
3 orders though six (6) months after return to their home station;

4 5. "Education(al) records" means those official records, files,
5 and data directly related to a student and maintained by the school
6 or local education agency including, but not limited to, records
7 encompassing all the material kept in the student's cumulative
8 folder such as general identifying data, records of attendance and
9 of academic work completed, records of achievement and results of
10 evaluative tests, health data, disciplinary status, test protocols,
11 and individualized education programs;

12 6. "Extracurricular activities" means a voluntary activity
13 sponsored by the school or local education agency or an organization
14 sanctioned by the local education agency. Extracurricular
15 activities include, but are not limited to, preparation for and
16 involvement in public performances, contests, athletic competitions,
17 demonstrations, displays, and club activities;

18 7. "Interstate Commission on Educational Opportunity for
19 Military Children" means the commission that is created under
20 Article IX of this compact, which is generally referred to as
21 Interstate Commission;

22 8. "Local education agency" means a public authority legally
23 constituted by the state as an administrative agency to provide
24

1 control of and direction for Kindergarten through Twelfth grade
2 public educational institutions;

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

4 10. "Military installation" means a base, camp, post, station,
5 yard, center, homeport facility for any ship, or other activity
6 under the jurisdiction of the Department of Defense, including any
7 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 Mariana Islands
10 and any other U.S. Territory. Such term does not include any
11 facility used primarily for civil works, rivers and harbors
12 projects, or flood control projects;

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

15 12. "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 13. "Rule" means a written statement by the Interstate
18 Commission promulgated pursuant to Article XII of this compact that
19 is of general applicability, implements, interprets or prescribes a
20 policy or provision of the Compact, or an organizational,
21 procedural, or practice requirement of the Interstate Commission,
22 and has the force and effect of statutory law in a member state, and
23 includes the amendment, repeal, or suspension of an existing rule;

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

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

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

10 17. "Transition" means:

11 a. the formal and physical process of transferring from
12 school to school, or

13 b. the period of time in which a student moves from one
14 school in the sending state to another school in the
15 receiving state;

16 18. "Uniformed service(s)" means the Army, Navy, Air Force,
17 Marine Corps, Coast Guard as well as the Commissioned Corps of the
18 National Oceanic and Atmospheric Administration, and Public Health
19 Services; and

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

23 ARTICLE III. APPLICABILITY
24

1 A. Except as otherwise provided in subsection B of this
2 Article, this compact shall apply to the children of:

3 1. Active duty members of the uniformed services as defined in
4 this compact, including members of the National Guard and Military
5 Reserve on active duty orders pursuant to 10 U.S.C., Sections 1209 and
6 1211;

7 2. Members or veterans of the uniformed services who are severely
8 injured and medically discharged or retired for a period of one (1)
9 year after medical discharge or retirement; and

10 3. Members of the uniformed services who die on active duty or as
11 a result of injuries sustained on active duty for a period of one (1)
12 year after death.

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

15 C. The provisions of this compact shall not apply to the
16 children of:

17 1. Inactive members of the National Guard and Military
18 Reserves;

19 2. Members of the uniformed services now retired, except as
20 provided in subsection A of this Article;

21 3. Veterans of the uniformed services, except as provided in
22 subsection A of this Article; and

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1 4. Other United States Department of Defense personnel and
2 other federal agency civilian and contract employees not defined as
3 active duty members of the uniformed services.

4 ARTICLE IV. EDUCATIONAL RECORDS AND ENROLLMENT

5 A. Unofficial or "hand-carried" education records - In the
6 event that official education records cannot be released to the
7 parents for the purpose of transfer, the custodian of the records in
8 the sending state shall prepare and furnish to the parent a complete
9 set of unofficial educational records containing uniform information
10 as determined by the Interstate Commission. Upon receipt of the
11 unofficial education records by a school in the receiving state, the
12 school shall enroll and appropriately place the student based on the
13 information provided in the unofficial records pending validation by
14 the official records, as quickly as possible.

15 B. Official education records/transcripts - Simultaneously with
16 the enrollment and conditional placement of the student, the school
17 in the receiving state shall request the student's official
18 education record from the school in the sending state. Upon receipt
19 of this request, the school in the sending state will process and
20 furnish the official education records to the school in the
21 receiving state within ten (10) days or within such time as is
22 reasonably determined under the rules promulgated by the Interstate
23 Commission.

1 C. Immunizations - Compacting states shall give thirty (30)
2 days from the date of enrollment or within such time as is
3 reasonably determined under the rules promulgated by the Interstate
4 Commission, for students to obtain any immunization(s) required by
5 the receiving state. For a series of immunizations, initial
6 vaccinations must be obtained within thirty (30) days or within such
7 time as is reasonably determined under the rules promulgated by the
8 Interstate Commission.

9 D. Kindergarten and First grade entrance age - Students shall
10 be allowed to continue their enrollment at grade level in the
11 receiving state commensurate with their grade level (including
12 Kindergarten) from a local education agency in the sending state at
13 the time of transition, regardless of age. A student that has
14 satisfactorily completed the prerequisite grade level in the local
15 education agency in the sending state shall be eligible for
16 enrollment in the next highest grade level in the receiving state,
17 regardless of age. A student transferring after the start of the
18 school year in the receiving state shall enter the school in the
19 receiving state on their validated level from an accredited school
20 in the sending state.

21 ARTICLE V. PLACEMENT AND ATTENDANCE

22 A. Course placement - When the student transfers before or
23 during the school year, the receiving state school shall initially
24 honor placement of the student in educational courses based on the

1 student's enrollment in the sending state school and/or educational
2 assessments conducted at the school in the sending state if the
3 courses are offered. Course placement includes, but is not limited
4 to, Honors, International Baccalaureate, Advanced Placement,
5 vocational, technical and career pathway courses. Continuing the
6 student's academic program from the previous school and promoting
7 placement in academically and career challenging courses should be
8 paramount when considering placement. This does not preclude the
9 school in the receiving state from performing subsequent evaluations
10 to ensure appropriate placement and continued enrollment of the
11 student in the course(s).

12 B. Educational program placement - The receiving state school
13 shall initially honor placement of the student in educational programs
14 based on current educational assessments conducted at the school in
15 the sending state or participation/placement in like programs in the
16 sending state. Such programs shall include, but are not limited to:

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

19 This does not preclude the school in the receiving state from
20 performing subsequent evaluations to ensure appropriate placement of
21 the student.

22 C. Special education services.

- 23 1. In compliance with the federal requirements of the
24 Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A.,

1 Section 1400 et seq., the receiving state shall initially provide
2 comparable services to a student with disabilities based on his/her
3 current individualized education program (IEP).

4 2. In compliance with the requirements of Section 504 of the
5 Rehabilitation Act, 29 U.S.C.A., Section 794, and with Title II of
6 the Americans with Disabilities Act, 42 U.S.C.A., Sections 12131
7 through 12165, the receiving state shall make reasonable
8 accommodations and modifications to address the needs of incoming
9 students with disabilities, subject to an existing 504 or Title II
10 Plan, to provide the student with equal access to education.

11 This does not preclude the school in the receiving state from
12 performing subsequent evaluations to ensure appropriate placement of
13 the student.

14 D. Placement flexibility - Local education agency administrative
15 officials shall have flexibility in waiving course/program
16 prerequisites, or other preconditions for placement in
17 courses/programs offered under the jurisdiction of the local education
18 agency.

19 E. Absence as related to deployment activities - A student whose
20 parent or legal guardian is an active duty member of the uniformed
21 services, as defined by the compact, and has been called to duty
22 for, is on leave from, or immediately returned from deployment to a
23 combat zone or combat support posting, shall be granted additional
24 excused absences at the discretion of the local education agency

1 superintendent to visit with his or her parent or legal guardian
2 relative to such leave or deployment of the parent or guardian.

3 ARTICLE VI. ELIGIBILITY

4 A. Eligibility for enrollment.

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

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

13 3. A transitioning military child, placed in the care of a
14 noncustodial parent or other person standing in loco parentis who
15 lives in a jurisdiction other than that of the custodial parent, may
16 continue to attend the school in which he/she was enrolled while
17 residing with the custodial parent.

18 B. Eligibility for extracurricular participation - State and
19 local education agencies shall facilitate the opportunity for
20 transitioning military children's inclusion in extracurricular
21 activities, regardless of application deadlines, to the extent they
22 are otherwise qualified.

23 ARTICLE VII. GRADUATION

24

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

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

12 2. Exit exams - States shall accept:

- 13 a. exit or end-of-course exams required for graduation
14 from the sending state,
15 b. national norm-referenced achievement tests, or
16 c. alternative testing in lieu of testing requirements
17 for graduation in the receiving state.

18 In the event the above alternatives cannot be accommodated by
19 the receiving state for a student transferring in his or her Senior
20 year, then the provisions of subsection B of this article shall
21 apply.

22 B. Transfers during Senior year - Should a military student
23 transferring at the beginning or during his or her Senior year be
24 ineligible to graduate from the receiving local education agency

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

9 ARTICLE VIII. STATE COORDINATION

10 A. Each member state shall, through the creation of a State
11 Council or use of an existing body or board, provide for the
12 coordination among its agencies of government, local education
13 agencies and military installations concerning the state's
14 participation in, and compliance with, this compact and Interstate
15 Commission activities. While each member state may determine the
16 membership of its own State Council, its membership must include at
17 least:

- 18 1. The State Superintendent of Public Instruction;
- 19 2. The superintendent of a school district with a high
20 concentration of military children;
- 21 3. A representative from a military installation;
- 22 4. One representative each from the legislative and executive
23 branches of government; and

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1 5. Other offices and stakeholder groups the State Council deems
2 appropriate.

3 B. A member state that does not have a school district deemed to
4 contain a high concentration of military children may appoint a
5 superintendent from another school district to represent local
6 education agencies on the State Council.

7 C. The State Council of each member state shall appoint or
8 designate a military family education liaison to assist military
9 families and the state in facilitating the implementation of this
10 compact.

11 D. The compact commissioner responsible for the administration
12 and management of the state's participation in the compact shall be
13 appointed by the Governor or as otherwise determined by each member
14 state.

15 E. The compact commissioner and the military family education
16 liaison designated herein shall be ex officio members of the State
17 Council, unless either is already a full voting member of the State
18 Council.

19 ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL
20 OPPORTUNITY FOR MILITARY CHILDREN

21 The member states hereby create the "Interstate Commission on
22 Educational Opportunity for Military Children". The activities of
23 the Interstate Commission are the formation of public policy and are
24 a discretionary state function. The Interstate Commission shall:

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

6 2. Consist of one Interstate Commission voting representative
7 from each member state who shall be that state's compact
8 commissioner.

9 a. Each member state represented at a meeting of the
10 Interstate Commission is entitled to one vote.

11 b. A majority of the total member states shall constitute
12 a quorum for the transaction of business, unless a
13 larger quorum is required by the bylaws of the
14 Interstate Commission.

15 c. A representative shall not delegate a vote to another
16 member state. In the event the compact commissioner
17 is unable to attend a meeting of the Interstate
18 Commission, the Governor or State Council may delegate
19 voting authority to another person from their state
20 for a specified meeting.

21 d. The bylaws may provide for meetings of the Interstate
22 Commission to be conducted by telecommunication or
23 electronic communication;

1 3. Consist of ex officio, nonvoting representatives who are
2 members of interested organizations. Such ex officio members, as
3 defined in the bylaws, may include, but not be limited to, members
4 of the representative organizations of military family advocates,
5 local education agency officials, parent and teacher groups, the
6 United States Department of Defense, the Education Commission of the
7 States, the Interstate Agreement on the Qualification of Educational
8 Personnel and other interstate compacts affecting the education of
9 children of military members;

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

13 5. Establish an executive committee, whose members shall
14 include the officers of the Interstate Commission and such other
15 members of the Interstate Commission as determined by the bylaws.
16 Members of the executive committee shall serve one-year terms.
17 Members of the executive committee shall be entitled to one vote
18 each. The executive committee shall have the power to act on behalf
19 of the Interstate Commission, with the exception of rulemaking,
20 during periods when the Interstate Commission is not in session.
21 The executive committee shall oversee the day-to-day activities of
22 the administration of the compact including enforcement and
23 compliance with the provisions of the compact, its bylaws and rules,
24 and other such duties as deemed necessary. The United States

1 Department of Defense shall serve as an ex officio, nonvoting member
2 of the executive committee;

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

9 7. Public notice shall be given by the Interstate Commission of
10 all meetings, and all meetings shall be open to the public, except
11 as set forth in the rules or as otherwise provided in the compact.
12 The Interstate Commission and its committees may close a meeting, or
13 portion thereof, where it determines by two-thirds (2/3) vote that
14 an open meeting would be likely to:

- 15 a. relate solely to the Interstate Commission's internal
16 personnel practices and procedures,
- 17 b. disclose matters specifically exempted from disclosure
18 by federal and state statute,
- 19 c. disclose trade secrets or commercial or financial
20 information which is privileged or confidential,
- 21 d. involve accusing a person of a crime, or formally
22 censuring a person,

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- e. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,
- f. disclose investigative records compiled for law enforcement purposes, or
- g. specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding;

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

9. The Interstate Commission shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and

1 data exchange and reporting requirements. Such methods of data
2 collection, exchange and reporting shall, insofar as is reasonably
3 possible, conform to current technology and coordinate its
4 information functions with the appropriate custodian of records as
5 identified in the bylaws and rules; and

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

14 ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

15 The Interstate Commission shall have the following powers:

16 1. To provide for dispute resolution among member states;

17 2. To promulgate rules and take all necessary actions to effect
18 the goals, purposes and obligations as enumerated in this compact.

19 The rules shall have the force and effect of statutory law and shall
20 be binding in the compact states to the extent and in the manner
21 provided in this compact;

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

1 4. To enforce compliance with the compact provisions, the rules
2 promulgated by the Interstate Commission, and the bylaws, using all
3 necessary and proper means including, but not limited to, the use of
4 judicial process;

5 5. To establish and maintain offices which shall be located
6 within one or more of the member states;

7 6. To purchase and maintain insurance and bonds;

8 7. To borrow, accept, hire or contract for services of
9 personnel;

10 8. To establish and appoint committees including, but not
11 limited to, an executive committee as required by paragraph 5 of
12 Article IX, which shall have the power to act on behalf of the
13 Interstate Commission in carrying out its powers and duties
14 hereunder;

15 9. To elect or appoint such officers, attorneys, employees,
16 agents, or consultants, and to fix their compensation, define their
17 duties and determine their qualifications; and to establish the
18 Interstate Commission's personnel policies and programs relating to
19 conflicts of interest, rates of compensation, and qualifications of
20 personnel;

21 10. To accept any and all donations and grants of money,
22 equipment, supplies, materials, and services, and to receive,
23 utilize, and dispose of it;

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1 11. To lease, purchase, accept contributions or donations of,
2 or otherwise to own, hold, improve or use any property, real,
3 personal, or mixed;

4 12. To sell, convey, mortgage, pledge, lease, exchange,
5 abandon, or otherwise dispose of any property, real, personal or
6 mixed;

7 13. To establish a budget and make expenditures;

8 14. To adopt a seal and bylaws governing the management and
9 operation of the Interstate Commission;

10 15. To report annually to the Legislatures, Governors,
11 judiciary, and State Councils of the member states concerning the
12 activities of the Interstate Commission during the preceding year.
13 Such reports shall also include any recommendations that may have
14 been adopted by the Interstate Commission;

15 16. To coordinate education, training and public awareness
16 regarding the compact, its implementation and operation for
17 officials and parents involved in such activity;

18 17. To establish uniform standards for the reporting,
19 collecting and exchanging of data;

20 18. To maintain corporate books and records in accordance with
21 the bylaws;

22 19. To perform such functions as may be necessary or
23 appropriate to achieve the purposes of this compact; and
24

1 upon the termination of the compact after the payment and reserving
2 of all of its debts and obligations; and

3 7. Providing "start-up" rules for initial administration of the
4 compact.

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

17 C. Executive Committee, Officers, and Personnel.

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

- 20 a. managing the affairs of the Interstate Commission in a
21 manner consistent with the bylaws and purposes of the
22 Interstate Commission,
23 b. overseeing an organizational structure within, and
24 appropriate procedures for the Interstate Commission

1 to provide for the creation of rules, operating
2 procedures, and administrative and technical support
3 functions, and

4 c. planning, implementing, and coordinating
5 communications and activities with other state,
6 federal and local government organizations in order to
7 advance the goals of the Interstate Commission.

8 2. The executive committee may, subject to the approval of the
9 Interstate Commission, appoint or retain an executive director for
10 such period, upon such terms and conditions and for such
11 compensation, as the Interstate Commission may deem appropriate.

12 The executive director shall serve as secretary to the Interstate
13 Commission, but shall not be a member of the Interstate Commission.
14 The executive director shall hire and supervise such other persons
15 as may be authorized by the Interstate Commission.

16 D. 1. The Interstate Commission's executive director and its
17 employees shall be immune from suit and liability, either personally
18 or in their official capacity, for a claim for damage to or loss of
19 property or personal injury or other civil liability caused or
20 arising out of or relating to an actual or alleged act, error, or
21 omission that occurred, or that such person had a reasonable basis
22 for believing occurred, within the scope of Interstate Commission
23 employment, duties, or responsibilities; provided, that such person
24 shall not be protected from suit or liability for damage, loss,

1 injury, or liability caused by the intentional or willful and wanton
2 misconduct of such person.

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

14 3. The Interstate Commission shall defend the executive
15 director and its employees and, subject to the approval of the
16 Attorney General or other appropriate legal counsel of the member
17 state represented by an Interstate Commission representative, shall
18 defend such Interstate Commission representative in any civil action
19 seeking to impose liability arising out of an actual or alleged act,
20 error or omission that occurred within the scope of Interstate
21 Commission employment, duties or responsibilities, or that the
22 defendant had a reasonable basis for believing occurred within the
23 scope of Interstate Commission employment, duties, or
24 responsibilities; provided, that the actual or alleged act, error,

1 or omission did not result from intentional or willful and wanton
2 misconduct on the part of such person.

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

15 ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

16 A. The Interstate Commission shall promulgate reasonable rules
17 in order to effectively and efficiently achieve the purposes of this
18 Compact. Notwithstanding the foregoing, in the event the Interstate
19 Commission exercises its rulemaking authority in a manner that is
20 beyond the scope of the purposes of this act, or the powers granted
21 hereunder, then such an action by the Interstate Commission shall be
22 invalid and have no force or effect.

23 B. Rules shall be made pursuant to a rulemaking process that
24 substantially conforms to the "Model State Administrative Procedure

1 Act" of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as
2 amended, as may be appropriate to the operations of the Interstate
3 Commission.

4 C. Not later than thirty (30) days after a rule is promulgated,
5 any person may file a petition for judicial review of the rule;
6 provided, that the filing of such a petition shall not stay or
7 otherwise prevent the rule from becoming effective unless the court
8 finds that the petitioner has a substantial likelihood of success.
9 The court shall give deference to the actions of the Interstate
10 Commission consistent with applicable law and shall not find the
11 rule to be unlawful if the rule represents a reasonable exercise of
12 the Interstate Commission's 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. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

18 A. Oversight.

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

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

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

12 B. Default, Technical Assistance, Suspension and Termination.

13 If the Interstate Commission determines that a member state has
14 defaulted in the performance of its obligations or responsibilities
15 under this compact, or the bylaws or promulgated rules, the
16 Interstate Commission shall:

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

22 2. Provide remedial training and specific technical assistance
23 regarding the default;

1 3. If the defaulting state fails to cure the default, the
2 defaulting state shall be terminated from the compact upon an
3 affirmative vote of a majority of the member states and all rights,
4 privileges and benefits conferred by this compact shall be
5 terminated from the effective date of termination. A cure of the
6 default does not relieve the offending state of obligations or
7 liabilities incurred during the period of the default;

8 4. Suspension or termination of membership in the compact shall
9 be imposed only after all other means of securing compliance have
10 been exhausted. Notice of intent to suspend or terminate shall be
11 given by the Interstate Commission to the Governor, the majority and
12 minority leaders of the defaulting state's Legislature, and each of
13 the member states;

14 5. The state which has been suspended or terminated is
15 responsible for all assessments, obligations and liabilities
16 incurred through the effective date of suspension or termination
17 including obligations, the performance of which extends beyond the
18 effective date of suspension or termination;

19 6. The Interstate Commission shall not bear any costs relating
20 to any state that has been found to be in default or which has been
21 suspended or terminated from the compact, unless otherwise mutually
22 agreed upon in writing between the Interstate Commission and the
23 defaulting state; and

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1 7. The defaulting state may appeal the action of the Interstate
2 Commission by petitioning the U.S. District Court for the District
3 of Columbia or the federal district where the Interstate Commission
4 has its principal offices. The prevailing party shall be awarded
5 all costs of such litigation including reasonable attorney fees.

6 C. Dispute Resolution.

7 1. The Interstate Commission shall attempt, upon the request of
8 a member state, to resolve disputes which are subject to the compact
9 and which may arise among member states and between member and
10 nonmember states.

11 2. The Interstate Commission shall promulgate a rule providing
12 for both mediation and binding dispute resolution for disputes as
13 appropriate.

14 D. Enforcement.

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

17 2. The Interstate Commission may, by majority vote of the
18 members, initiate legal action in the United State District Court
19 for the District of Columbia or, at the discretion of the Interstate
20 Commission, in the federal district where the Interstate Commission
21 has its principal offices, to enforce compliance with the provisions
22 of the compact, its promulgated rules and bylaws, against a member
23 state in default. The relief sought may include both injunctive
24 relief and damages. In the event judicial enforcement is necessary,

1 the prevailing party shall be awarded all costs of such litigation
2 including reasonable attorney fees.

3 3. The remedies herein shall not be the exclusive remedies of
4 the Interstate Commission. The Interstate Commission may avail
5 itself of any other remedies available under state law or the
6 regulation of a profession.

7 ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION

8 A. The Interstate Commission shall pay, or provide for the
9 payment of the reasonable expenses of its establishment,
10 organization and ongoing activities.

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

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

23 D. The Interstate Commission shall keep accurate accounts of
24 all receipts and disbursements. The receipts and disbursements of

1 the Interstate Commission shall be subject to the audit and
2 accounting procedures established under its bylaws. However, all
3 receipts and disbursements of funds handled by the Interstate
4 Commission shall be audited yearly by a certified or licensed public
5 accountant, and the report of the audit shall be included in and
6 become part of the annual report of the Interstate Commission.

7 ARTICLE XV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

9 B. The compact shall become effective and binding upon
10 legislative enactment of the compact into law by no less than ten of
11 the states. The effective date shall be no earlier than December 1,
12 2007. Thereafter it shall become effective and binding as to any
13 other member state upon enactment of the compact into law by that
14 state. The governors of nonmember states or their designees shall
15 be invited to participate in the activities of the Interstate
16 Commission on a nonvoting basis prior to adoption of the compact by
17 all states.

18 C. The Interstate Commission may propose amendments to the
19 compact for enactment by the member states. No amendment shall
20 become effective and binding upon the Interstate Commission and the
21 member states unless and until it is enacted into law by unanimous
22 consent of the member states.

23 ARTICLE XVI. WITHDRAWAL AND DISSOLUTION

24 A. Withdrawal.

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

5 2. Withdrawal from this compact shall be by the enactment of a
6 statute repealing the same, but shall not take effect until one (1)
7 year after the effective date of such statute and until written
8 notice of the withdrawal has been given by the withdrawing state to
9 the Governor of each other member jurisdiction.

10 3. The withdrawing state shall immediately notify the
11 chairperson of the Interstate Commission in writing upon the
12 introduction of legislation repealing this compact in the
13 withdrawing state. The Interstate Commission shall notify the other
14 member states of the withdrawing state's intent to withdraw within
15 sixty (60) days of its receipt thereof.

16 4. The withdrawing state is responsible for all assessments,
17 obligations and liabilities incurred through the effective date of
18 withdrawal, including obligations, the performance of which extends
19 beyond the effective date of withdrawal.

20 5. Reinstatement following withdrawal of a member state shall
21 occur upon the withdrawing state reenacting the compact or upon such
22 later date as determined by the Interstate Commission.

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

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

9 ARTICLE XVII. SEVERABILITY AND CONSTRUCTION

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

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

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

18 ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS

19 A. Other Laws.

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

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

24 B. Binding Effect of the Compact.

1 1. All lawful actions of the Interstate Commission, including
2 all rules and bylaws promulgated by the Interstate Commission, are
3 binding upon the member states.

4 2. All agreements between the Interstate Commission and the
5 member states are binding in accordance with their terms.

6 3. In the event any provision of this compact exceeds the
7 constitutional limits imposed on the Legislature of any member
8 state, such provision shall be ineffective to the extent of the
9 conflict with the constitutional provision in question in that
10 member state.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 510.3 of Title 70, unless there
13 is created a duplication in numbering, reads as follows:

14 A. There is hereby created the Oklahoma State Council for
15 Educational Opportunity for Military Children in accordance with
16 Article VIII of the Interstate Compact on Educational Opportunity
17 for Military Children. The State Council shall consist of:

18 1. The compact commissioner and military family education
19 liaison who shall be nonvoting members;

20 2. The State Superintendent of Public Instruction or a
21 designee; and

22 3. Six appointed members as follows:
23
24

- 1 a. one member of the Senate, who shall serve an initial
2 term of three (3) years, who shall be appointed by the
3 President Pro Tempore,
- 4 b. one member of the House of Representatives, who shall
5 serve an initial term of three (3) years, who shall be
6 appointed by the Speaker of the House of
7 Representatives,
- 8 c. two superintendents of school districts with a high
9 concentration of military children, who shall serve an
10 initial term of two (2) years, one of whom shall be
11 appointed by the Speaker of the House of
12 Representatives and one of whom shall be appointed by
13 the President Pro Tempore of the Senate,
- 14 d. a representative of a military installation located in
15 the state, who shall serve an initial term of one (1)
16 year, who shall be appointed by the Governor, and
- 17 e. a member of the State Board of Education, who shall
18 serve an initial term of one (1) year, who shall be
19 appointed by the Governor.

20 B. Except for the initial appointments, appointed members shall
21 be appointed for three-year terms. The members appointed to initial
22 terms shall serve staggered terms as prescribed in this section.
23 Terms of office shall expire on June 30. Members may be reappointed
24 as deemed appropriate by the appointing authority. Members may be

1 removed by the appointing authority for incompetence, willful
2 neglect of duty, corruption in office, or malfeasance in office.
3 Vacancies shall be filled in the same manner as the original
4 appointment. The members of the Council shall not be subject to the
5 dual-office-holding prohibitions set forth in Section 6 of Title 51
6 of the Oklahoma Statutes.

7 C. The members of the State Council shall elect from their
8 membership a chair and vice-chair to serve for one-year terms. A
9 majority of the members shall constitute a quorum for the purpose of
10 conducting the business of the Council. The Council shall meet at
11 least annually and at the call of the chair.

12 D. The Council shall comply with the Oklahoma Open Meeting Act,
13 the Oklahoma Open Records Act, and the Administrative Procedures
14 Act.

15 E. Members of the Council, except the compact commissioner and
16 military family education liaison, shall serve without compensation
17 but shall be reimbursed by their appointing authorities for expenses
18 incurred in the performance of their duties as provided in the State
19 Travel Reimbursement Act until the Council is funded.

20 F. The Council shall oversee and administer this state's
21 participation in the Compact. The Council may promulgate rules to
22 implement operations and procedures necessary for administration of
23 the Compact.

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1 G. Until the Compact becomes effective upon its adoption by ten
2 states, the Council may select two persons who are employed by a
3 state agency, subject to the assent of the administrative head of
4 the agency, to serve as the compact commissioner and military family
5 education liaison. The agency that employs the compact commissioner
6 and military family education liaison shall pay the salaries of the
7 compact commissioner and military family education liaison and any
8 expenses the compact commissioner and military family education
9 liaison incur in fulfilling duties related to the Compact. The
10 Council and the administrative head of the agency shall determine
11 what portion of the employee's time shall be devoted to Compact
12 activities. The compact commissioner shall serve as this state's
13 commissioner on the Interstate Commission on Educational Opportunity
14 for Military Children. In the event the compact commissioner cannot
15 attend a meeting of the Interstate Commission, the Council shall
16 appoint a Council member to represent this state at the meeting.

17 SECTION 5. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 510.4 of Title 70, unless there
19 is created a duplication in numbering, reads as follows:

20 Upon the effectiveness of the Interstate Compact on Educational
21 Opportunity for Military Children through adoption by ten states,
22 the Oklahoma State Council for Educational Opportunity for Military
23 Children, created in Section 4 of this act, shall employ a compact
24 commissioner to oversee the organization and activities of the

1 Council and to administer this state's participation in the Compact
2 and shall employ a military family education liaison to assist
3 military families and the state in facilitating the implementation
4 of the Compact, subject to the direction of the Council. The
5 compact commissioner shall serve as this state's commissioner on the
6 Interstate Commission on Educational Opportunity for Military
7 Children. In the event the compact commissioner cannot attend a
8 meeting of the Interstate Commission, the Council shall appoint a
9 Council member to represent this state at the meeting. The salaries
10 of the compact commissioner and military family education liaison
11 shall be set by law. The positions of compact commissioner and
12 military family education liaison shall be unclassified positions.

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 510.5 of Title 70, unless there
15 is created a duplication in numbering, reads as follows:

16 The implementation of Section 5 of this act shall be delayed
17 until the Interstate Compact on Educational Opportunity for Military
18 Children becomes effective upon its adoption by ten states.

19 SECTION 7. This act shall become effective July 1, 2008.

20 SECTION 8. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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