

THE HOUSE OF REPRESENTATIVES
Tuesday, April 15, 2008

**Committee Substitute for
ENGROSSED
Senate Bill No. 1951**

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1951 - By:
WILCOXSON of the Senate and JONES of the House.

An Act relating to schools; requiring districts to forward portion of forfeited bond to certain fund; placing certain assessment on persons convicted of certain crimes; specifying assessment to be mandatory and not subject to suspension; providing for failure to comply with certain conditions to be in contempt of court; providing for terms of collection; requiring court clerk to forward assessment payments to certain fund; creating the School Investigative Audit Revolving Fund; specifying purpose of fund and procedures related thereto; providing for entry into the Interstate Compact on Educational Opportunity for Military Children; providing short title; stating purpose of Compact; defining terms; stating 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 Children; providing for membership of Commission; prescribing procedures of Commission; authorizing establishment of executive committee of Commission; stating duties and authority of certain committee; authorizing Commission to promulgate rules and adopt bylaws; requiring certain notice of meetings; providing for closure of a meeting; requiring collection of certain data; requiring Commission to establish reporting process for military official and parents; stating powers and duties of Commission; requiring adoption of bylaws within certain time

period; providing for election of officers; stating powers and duties of the executive committee; authorizing certain personnel; providing certain immunity; requiring the Commission to promulgate rules; requiring adherence to certain laws; providing for certain oversight and enforcement of the Compact; providing for default and suspension or termination of member states; providing penalties and remedies for default on Compact; authorizing Commission to levy and collect annual assessments from Compacting states; requiring certain auditing procedures; making all states eligible; providing effective date of 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; providing for codification; providing an effective date; and declaring an emergency.

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

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

4 A. When a bond is forfeited due to illegal activity of a school district officer or
5 employee and an audit performed by the Office of the State Auditor and Inspector

1 reported the illegal activity, the school district shall forward ten percent (10%) of the
2 amount of the forfeited bond to the State Board of Education for deposit to the School
3 Investigative Audit Revolving Fund.

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

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

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

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

18 5. The assessment provided for in this subsection shall be collected by the court
19 clerk as provided for collection of fines and costs. When assessment payments are
20 collected by the court clerk pursuant to court order, the funds shall be forwarded to the
21 State Board of Education for deposit into the School Investigative Audit Revolving Fund
22 created by this section.

1 C. 1. There is hereby created in the State Treasury a revolving fund for the State
2 Board of Education to be designated the “School Investigative Audit Revolving Fund”.
3 The fund shall be a continuing fund, not subject to fiscal year limitations, and shall
4 consist of all monies paid to and received by the State Board of Education from school
5 districts, officers, or employees for the performance of audits, for the forfeiture of bonds,
6 or for assessments ordered in addition to court-ordered restitution costs, and monies
7 appropriated or transferred to the fund by the Legislature.

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

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

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

21 Sections 2 through 6 of this act shall be known and may be cited as the “Interstate
22 Compact on Educational Opportunity for Military Children”.

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

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

7 INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY
8 FOR MILITARY CHILDREN

9 ARTICLE I. PURPOSE

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

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

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

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

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

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1 but not limited to, records encompassing all the material kept in the student's
2 cumulative folder such as general identifying data, records of attendance and of academic
3 work completed, records of achievement and results of evaluative tests, health data,
4 disciplinary status, test protocols, and individualized education programs;

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

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

13 8. "Local education agency" means a public authority legally constituted by the state
14 as an administrative agency to provide control of and direction for Kindergarten through
15 Twelfth grade public educational institutions;

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

17 10. "Military installation" means a base, camp, post, station, yard, center, homeport
18 facility for any ship, or other activity under the jurisdiction of the Department of
19 Defense, including any leased facility, which is located within any of the several states,
20 the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,
21 Guam, American Samoa, the Northern Mariana Islands and any other U.S. Territory.

1 Such term does not include any facility used primarily for civil works, rivers and harbors
2 projects, or flood control projects;

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

4 12. "Receiving state" means the state to which a child of a military family is sent,
5 brought, or caused to be sent or brought;

6 13. "Rule" means a written statement by the Interstate Commission promulgated
7 pursuant to Article XII of this compact that is of general applicability, implements,
8 interprets or prescribes a policy or provision of the Compact, or an organizational,
9 procedural, or practice requirement of the Interstate Commission, and has the force and
10 effect of statutory law in a member state, and includes the amendment, repeal, or
11 suspension of an existing rule;

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

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

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

20 17. "Transition" means:

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

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

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

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

8 ARTICLE IV. EDUCATIONAL RECORDS AND ENROLLMENT

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

17 B. Official education records/transcripts - Simultaneously with the enrollment and
18 conditional placement of the student, the school in the receiving state shall request the
19 student’s official education record from the school in the sending state. Upon receipt of
20 this request, the school in the sending state will process and furnish the official
21 education records to the school in the receiving state within ten (10) days or within such

1 time as is reasonably determined under the rules promulgated by the Interstate
2 Commission.

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

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

18 ARTICLE V. PLACEMENT AND ATTENDANCE

19 A. Course placement - When the student transfers before or during the school year,
20 the receiving state school shall initially honor placement of the student in educational
21 courses based on the student’s enrollment in the sending state school and/or educational
22 assessments conducted at the school in the sending state if the courses are offered.

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

8 B. Educational program placement – The receiving state school shall initially honor
9 placement of the student in educational programs based on current educational
10 assessments conducted at the school in the sending state or participation/placement in like
11 programs in the sending state. Such programs shall include, but are not limited to:

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

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

16 C. Special education services.

17 1. In compliance with the federal requirements of the Individuals with Disabilities
18 Education Act (IDEA), 20 U.S.C.A., Section 1400 et seq., the receiving state shall
19 initially provide comparable services to a student with disabilities based on his/her
20 current individualized education program (IEP).

21 2. In compliance with the requirements of Section 504 of the Rehabilitation Act, 29
22 U.S.C.A., Section 794, and with Title II of the Americans with Disabilities Act, 42

1 U.S.C.A., Sections 12131 through 12165, the receiving state shall make reasonable
2 accommodations and modifications to address the needs of incoming students with
3 disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal
4 access to education.

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

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

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

17 ARTICLE VI. ELIGIBILITY

18 A. Eligibility for enrollment.

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

- 1 a. exit or end-of-course exams required for graduation from the sending
- 2 state,
- 3 b. national norm-referenced achievement tests, or
- 4 c. alternative testing in lieu of testing requirements for graduation in the
- 5 receiving state.

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

9 B. Transfers during Senior year – Should a military student transferring at the
10 beginning or during his or her Senior year be ineligible to graduate from the receiving
11 local education agency after all alternatives have been considered, the sending and
12 receiving local education agencies shall ensure the receipt of a diploma from the sending
13 local education agency, if the student meets the graduation requirements of the sending
14 local education agency. In the event that one of the states in question is not a member of
15 this compact, the member state shall use best efforts to facilitate the on-time graduation
16 of the student in accordance with subsection A of this Article and this subsection.

17 ARTICLE VIII. STATE COORDINATION

18 A. Each member state shall, through the creation of a State Council or use of an
19 existing body or board, provide for the coordination among its agencies of government,
20 local education agencies and military installations concerning the state’s participation in,
21 and compliance with, this compact and Interstate Commission activities. While each

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1 member state may determine the membership of its own State Council, its membership
2 must include at least:

3 1. The State Superintendent of Public Instruction;

4 2. The superintendent of a school district with a high concentration of military
5 children;

6 3. A representative from a military installation;

7 4. One representative each from the legislative and executive branches of
8 government; and

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

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

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

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

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

22 ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL

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

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

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

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

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

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

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

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

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- 1 f. disclose investigative records compiled for law enforcement purposes,
2 or
3 g. specifically relate to the Interstate Commission's participation in a
4 civil action or other legal proceeding;

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

14 9. The Interstate Commission shall collect standardized data concerning the
15 educational transition of the children of military families under this compact as directed
16 through its rules which shall specify the data to be collected, the means of collection and
17 data exchange and reporting requirements. Such methods of data collection, exchange
18 and reporting shall, insofar as is reasonably possible, conform to current technology and
19 coordinate its information functions with the appropriate custodian of records as
20 identified in the bylaws and rules; and

21 10. The Interstate Commission shall create a process that permits military officials,
22 education officials and parents to inform the Interstate Commission if and when there

1 are alleged violations of the compact or its rules or when issues subject to the jurisdiction
2 of the compact or its rules are not addressed by the state or local education agency. This
3 section shall not be construed to create a private right of action against the Interstate
4 Commission or any member state.

5 ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

6 The Interstate Commission shall have the following powers:

- 7 1. To provide for dispute resolution among member states;
- 8 2. To promulgate rules and take all necessary actions to effect the goals, purposes
9 and obligations as enumerated in this compact. The rules shall have the force and effect
10 of statutory law and shall be binding in the compact states to the extent and in the
11 manner provided in this compact;
- 12 3. To issue, upon request of a member state, advisory opinions concerning the
13 meaning or interpretation of the interstate compact, its bylaws, rules and actions;
- 14 4. To enforce compliance with the compact provisions, the rules promulgated by the
15 Interstate Commission, and the bylaws, using all necessary and proper means including,
16 but not limited to, the use of judicial process;
- 17 5. To establish and maintain offices which shall be located within one or more of
18 the member states;
- 19 6. To purchase and maintain insurance and bonds;
- 20 7. To borrow, accept, hire or contract for services of personnel;

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

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

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

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

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

14 13. To establish a budget and make expenditures;

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

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

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

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

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

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

6 20. To provide for the uniform collection and sharing of information between and
7 among member states, schools and military families under this compact.

8 ARTICLE XI. ORGANIZATION AND OPERATION OF THE INTERSTATE

9 COMMISSION

10 A. The Interstate Commission shall, by a majority of the members present and
11 voting, within twelve (12) months after the first Interstate Commission meeting, adopt
12 bylaws to govern its conduct as may be necessary or appropriate to carry out the
13 purposes of the compact including, but not limited to:

14 1. Establishing the fiscal year of the Interstate Commission;

15 2. Establishing an executive committee and such other committees as may be
16 necessary;

17 3. Providing for the establishment of committees and for governing any general or
18 specific delegation of authority or function of the Interstate Commission;

19 4. Providing reasonable procedures for calling and conducting meetings of the
20 Interstate Commission and ensuring reasonable notice of each such meeting;

21 5. Establishing the titles and responsibilities of the officers and staff of the
22 Interstate Commission;

1 6. Providing a mechanism for concluding the operations of the Interstate
2 Commission and the return of surplus funds that may exist upon the termination of the
3 compact after the payment and reserving of all of its debts and obligations; and

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

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

14 C. Executive Committee, Officers, and Personnel.

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

- 17 a. managing the affairs of the Interstate Commission in a manner
18 consistent with the bylaws and purposes of the Interstate Commission,
19 b. overseeing an organizational structure within, and appropriate
20 procedures for the Interstate Commission to provide for the creation of
21 rules, operating procedures, and administrative and technical support
22 functions, and

1 c. planning, implementing, and coordinating communications and
2 activities with other state, federal and local government organizations
3 in order to advance the goals of the Interstate Commission.

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

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

19 2. The liability of the Interstate Commission's executive director and employees or
20 Interstate Commission representatives, acting within the scope of such person's
21 employment or duties for acts, errors, or omissions occurring within such person's state
22 may not exceed the limits of liability set forth under the Constitution and laws of that

1 state for state officials, employees, and agents. The Interstate Commission is considered
2 to be an instrumentality of the states for the purposes of any such action. Nothing in
3 this subsection shall be construed to protect such person from suit or liability for damage,
4 loss, injury, or liability caused by the intentional or willful and wanton misconduct of
5 such person.

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

16 4. To the extent not covered by the state involved, member state, or the Interstate
17 Commission, the representatives or employees of the Interstate Commission shall be held
18 harmless in the amount of a settlement or judgment, including attorney fees and costs,
19 obtained against such persons arising out of an actual or alleged act, error, or omission
20 that occurred within the scope of Interstate Commission employment, duties, or
21 responsibilities, or that such persons had a reasonable basis for believing occurred within
22 the scope of Interstate Commission employment, duties, or responsibilities; provided,

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

3 ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

4 A. The Interstate Commission shall promulgate reasonable rules in order to
5 effectively and efficiently achieve the purposes of this Compact. Notwithstanding the
6 foregoing, in the event the Interstate Commission exercises its rulemaking authority in a
7 manner that is beyond the scope of the purposes of this act, or the powers granted
8 hereunder, then such an action by the Interstate Commission shall be invalid and have
9 no force or effect.

10 B. Rules shall be made pursuant to a rulemaking process that substantially
11 conforms to the “Model State Administrative Procedure Act” of 1981 Act, Uniform Laws
12 Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the
13 Interstate Commission.

14 C. Not later than thirty (30) days after a rule is promulgated, any person may file a
15 petition for judicial review of the rule; provided, that the filing of such a petition shall not
16 stay or otherwise prevent the rule from becoming effective unless the court finds that the
17 petitioner has a substantial likelihood of success. The court shall give deference to the
18 actions of the Interstate Commission consistent with applicable law and shall not find
19 the rule to be unlawful if the rule represents a reasonable exercise of the Interstate
20 Commission's authority.

21 D. If a majority of the Legislatures of the compacting states rejects a rule by
22 enactment of a statute or resolution in the same manner used to adopt the compact, then

1 such rule shall have no further force and effect in any compacting state.

2 ARTICLE XIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

3 A. Oversight.

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

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

12 3. The Interstate Commission shall be entitled to receive all service of process in
13 any such proceeding and shall have standing to intervene in the proceeding for all
14 purposes. Failure to provide service of process to the Interstate Commission shall render
15 a judgment or order void as to the Interstate Commission, this compact or promulgated
16 rules.

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

18 If the Interstate Commission determines that a member state has defaulted in the
19 performance of its obligations or responsibilities under this compact, or the bylaws or
20 promulgated rules, the Interstate Commission shall:

21 1. Provide written notice to the defaulting state and other member states, of the
22 nature of the default, the means of curing the default and any action taken by the

1 Interstate Commission. The Interstate Commission shall specify the conditions by which
2 the defaulting state must cure its default;

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

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

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

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

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

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

5 C. Dispute Resolution.

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

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

11 D. Enforcement.

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

14 2. The Interstate Commission may, by majority vote of the members, initiate legal
15 action in the United State District Court for the District of Columbia or, at the discretion
16 of the Interstate Commission, in the federal district where the Interstate Commission
17 has its principal offices, to enforce compliance with the provisions of the compact, its
18 promulgated rules and bylaws, against a member state in default. The relief sought may
19 include both injunctive relief and damages. In the event judicial enforcement is
20 necessary, the prevailing party shall be awarded all costs of such litigation including
21 reasonable attorney fees.

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

4 ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION

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

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

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

17 D. The Interstate Commission shall keep accurate accounts of all receipts and
18 disbursements. The receipts and disbursements of the Interstate Commission shall be
19 subject to the audit and accounting procedures established under its bylaws. However,
20 all receipts and disbursements of funds handled by the Interstate Commission shall be
21 audited yearly by a certified or licensed public accountant, and the report of the audit
22 shall be included in and become part of the annual report of the Interstate Commission.

1 ARTICLE XV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

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

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

14 ARTICLE XVI. WITHDRAWAL AND DISSOLUTION

15 A. Withdrawal.

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

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

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

5 4. The withdrawing state is responsible for all assessments, obligations and
6 liabilities incurred through the effective date of withdrawal, including obligations, the
7 performance of which extends beyond the effective date of withdrawal.

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

11 B. Dissolution of Compact.

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

14 2. Upon the dissolution of this compact, the compact becomes null and void and
15 shall be of no further force or effect, and the business and affairs of the Interstate
16 Commission shall be concluded and surplus funds shall be distributed in accordance with
17 the bylaws.

18 ARTICLE XVII. SEVERABILITY AND CONSTRUCTION

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

1 B. The provisions of this compact shall be liberally construed to effectuate its
2 purposes.

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

5 ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS

6 A. Other Laws.

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

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

11 B. Binding Effect of the Compact.

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

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

16 3. In the event any provision of this compact exceeds the constitutional limits
17 imposed on the Legislature of any member state, such provision shall be ineffective to the
18 extent of the conflict with the constitutional provision in question in that member state.

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

1 A. There is hereby created the Oklahoma State Council for Educational
2 Opportunity for Military Children in accordance with Article VIII of the Interstate
3 Compact on Educational Opportunity for Military Children. The State Council shall
4 consist of:

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

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

8 3. Six appointed members as follows:

9 a. one member of the Senate, who shall serve an initial term of three (3)
10 years, who shall be appointed by the President Pro Tempore,

11 b. one member of the House of Representatives, who shall serve an initial
12 term of three (3) years, who shall be appointed by the Speaker of the
13 House of Representatives,

14 c. two superintendents of school districts with a high concentration of
15 military children, who shall serve an initial term of two (2) years, one
16 of whom shall be appointed by the Speaker of the House of
17 Representatives and one of whom shall be appointed by the President
18 Pro Tempore of the Senate,

19 d. a representative of a military installation located in the state, who
20 shall serve an initial term of one (1) year, who shall be appointed by
21 the Governor, and

1 e. a member of the State Board of Education, who shall serve an initial
2 term of one (1) year, who shall be appointed by the Governor.

3 B. Except for the initial appointments, appointed members shall be appointed for
4 three-year terms. The members appointed to initial terms shall serve staggered terms as
5 prescribed in this section. Terms of office shall expire on June 30. Members may be
6 reappointed as deemed appropriate by the appointing authority. Members may be
7 removed by the appointing authority for incompetence, willful neglect of duty, corruption
8 in office, or malfeasance in office. Vacancies shall be filled in the same manner as the
9 original appointment. The members of the Council shall not be subject to the dual-office-
10 holding prohibitions set forth in Section 6 of Title 51 of the Oklahoma Statutes.

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

15 D. The Council shall comply with the Oklahoma Open Meeting Act, the Oklahoma
16 Open Records Act, and the Administrative Procedures Act.

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

1 F. The Council shall oversee and administer this state's participation in the
2 Compact. The Council may promulgate rules to implement operations and procedures
3 necessary for administration of the Compact.

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

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

20 Upon the effectiveness of the Interstate Compact on Educational Opportunity for
21 Military Children through adoption by ten states, the Oklahoma State Council for
22 Educational Opportunity for Military Children, created in Section 4 of this act, shall

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

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

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

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 04-14-08 - DO
2 PASS, As Amended.