

**A-Engrossed**  
**Senate Bill 1506**

Ordered by the Senate February 13  
Including Senate Amendments dated February 13

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Veterans and Emergency Preparedness)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

**Enacts Interstate Compact on Educational Opportunity for Military Children.  
Establishes State Council for Educational Opportunity for Military Children.  
Sunsets December 31, 2019.**

**A BILL FOR AN ACT**

Relating to education of children of military families.

**Be It Enacted by the People of the State of Oregon:**

**INTERSTATE COMPACT ON EDUCATIONAL  
OPPORTUNITY FOR MILITARY CHILDREN**

**SECTION 1. The Interstate Compact on Educational Opportunity for Military Children is enacted into law and entered into on behalf of this state with all other jurisdictions legally joining therein in the form substantially as follows:**

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**ARTICLE I  
PURPOSE**

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

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

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

**C. Facilitating the qualification and eligibility for enrollment, educational programs and participation in extracurricular academic, athletic and social activities.**

**D. Facilitating the on-time graduation of children of military families.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.



1 or flood control projects.

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

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

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

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

13 O. "State" means a state of the United States, the District of Columbia, the Common-  
14 wealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the  
15 Northern Marianas Islands and any other United States territory.

16 P. "State education agency" means the Department of Education.

17 Q. "Student" means the child of a military family for whom the local education agency  
18 receives public funding and who is formally enrolled in kindergarten through grade 12.

19 R. "Transition" means:

20 1. The formal and physical process of transferring from school to school; or

21 2. The period of time in which a student moves from one school in the sending state to  
22 another school in the receiving state.

23 S. "Uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard,  
24 the commissioned corps of the National Oceanic and Atmospheric Administration and the  
25 commissioned corps of the United States Public Health Service.

26 T. "Veteran" means a person who served in the uniformed services and who was dis-  
27 charged or released from the uniformed services under conditions other than dishonorable.

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29 **ARTICLE III**  
30 **APPLICABILITY**

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32 A. Except as otherwise provided in Section B of this Article, this compact shall apply to  
33 the children of:

34 1. Active duty members of the uniformed services as defined in this compact, including  
35 members of the National Guard or the military reserve forces who are on active duty orders  
36 pursuant to 10 U.S.C. chapters 1209 and 1211 and members described in 32 U.S.C. 502(f);

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

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

41 B. The provisions of this compact shall only apply to local education agencies as defined  
42 in this compact.

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

44 1. Inactive members of the National Guard or the military reserve forces;

45 2. Members of the uniformed services now retired, except as provided in Section A of this

1 Article;

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

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

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

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

24 C. Immunizations. Compacting states shall give 30 days from the date of enrollment, or  
25 within such time as is reasonably determined under the rules promulgated by the Interstate  
26 Commission, for students to obtain any immunizations required by the receiving state. For  
27 a series of immunizations, initial vaccinations must be obtained within 30 days or within such  
28 time as is reasonably determined under the rules promulgated by the Interstate Commission.

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

37  
38 ARTICLE V  
39 PLACEMENT AND ATTENDANCE  
40

41 A. Course placement. When the student transfers before or during the school year, the  
42 receiving state school shall initially honor placement of the student in educational courses  
43 based on the student's enrollment in the sending state school or educational assessments  
44 conducted at the school in the sending state if the courses are offered. Course placement  
45 includes but is not limited to honors, International Baccalaureate, advanced placement, vo-

1 cational, technical and career pathways courses. Continuing the student's academic program  
2 from the previous school and promoting placement in academically and career challenging  
3 courses should be paramount when considering placement. This does not preclude the school  
4 in the receiving state from performing subsequent evaluations to ensure appropriate place-  
5 ment and continued enrollment of the student in a course.

6 **B. Educational program placement.** The receiving state school shall initially honor  
7 placement of the student in educational programs based on current educational assessments  
8 conducted at the school in the sending state or based on participation or placement in like  
9 programs in the sending state. Such programs include, but are not limited to, talented and  
10 gifted programs and English as a second language programs. This does not preclude the  
11 school in the receiving state from performing subsequent evaluations to ensure appropriate  
12 placement of the student.

13 **C. Special education services.**

14 **1. In compliance with the federal requirements of the Individuals with Disabilities Edu-**  
15 **cation Act, 20 U.S.C. 1400 et seq., the receiving state shall initially provide comparable ser-**  
16 **vices to a student with disabilities based on the student's current individualized education**  
17 **program. This does not preclude the school in the receiving state from performing subse-**  
18 **quent evaluations to ensure appropriate placement of the student.**

19 **2. In compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C.**  
20 **794, and with Title II of the Americans with Disabilities Act, 42 U.S.C. 12131-12165, the re-**  
21 **ceiving state shall make reasonable accommodations and modifications to address the needs**  
22 **of incoming students with disabilities, subject to an existing section 504 or Title II plan, to**  
23 **provide the student with equal access to education. This does not preclude the school in the**  
24 **receiving state from performing subsequent evaluations to ensure appropriate placement of**  
25 **the student.**

26 **D. Placement flexibility.** Local education agency administrative officials shall have flexi-  
27 bility in waiving course or program prerequisites, or other preconditions for placement in  
28 courses or programs offered under the jurisdiction of the local education agency.

29 **E. Absence as related to deployment activities.** A student whose parent or legal guardian  
30 is an active duty member of the uniformed services, as defined by this compact, and has been  
31 called to duty for, is on leave from, or immediately returned from deployment to a combat  
32 zone or combat support posting, shall be granted additional excused absences at the dis-  
33 cretion of the local education agency superintendent to visit with the student's parent or  
34 legal guardian relative to such leave or deployment of the parent or guardian.

35  
36 **ARTICLE VI**  
37 **ELIGIBILITY**  
38

39 **A. Eligibility for enrollment.**

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

43 **2. A local education agency shall be prohibited from charging local tuition to a transi-**  
44 **tioning military child placed in the care of a noncustodial parent or other person standing**  
45 **in loco parentis who lives in a jurisdiction other than that of the custodial parent.**



1 stakeholder groups the State Council deems appropriate. A member state that does not have  
2 a school district deemed to contain a high concentration of military children may appoint a  
3 superintendent from another school district to represent local education agencies on the  
4 State Council.

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

8 C. The compact commissioner responsible for the administration and management of the  
9 state's participation in the compact shall be appointed by the Governor or as otherwise de-  
10 termined by each member state.

11 D. The compact commissioner and the military family education liaison designated herein  
12 shall be ex officio members of the State Council, unless either is already a full voting mem-  
13 ber of the State Council.

14  
15 **ARTICLE IX**  
16 **INTERSTATE COMMISSION ON EDUCATIONAL**  
17 **OPPORTUNITY FOR MILITARY CHILDREN**  
18

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

22 A. Be a body corporate and joint agency of the member states and shall have all the re-  
23 sponsibilities, powers and duties set forth herein, and such additional powers as may be  
24 conferred upon it by a subsequent concurrent action of the respective legislatures of the  
25 member states in accordance with the terms of this compact.

26 B. Consist of one Interstate Commission voting representative from each member state  
27 who shall be that state's compact commissioner.

28 1. Each member state represented at a meeting of the Interstate Commission is entitled  
29 to one vote.

30 2. A majority of the total member states shall constitute a quorum for the transaction  
31 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

32 3. A representative may not delegate a vote to another member state. In the event the  
33 compact commissioner is unable to attend a meeting of the Interstate Commission, the  
34 Governor or State Council may delegate voting authority to another person from their state  
35 for a specified meeting.

36 4. The bylaws may provide for meetings of the Interstate Commission to be conducted  
37 by telecommunication or electronic communication.

38 C. Consist of ex officio, nonvoting representatives who are members of interested or-  
39 ganizations. Such ex officio members, as defined in the bylaws, may include but not be lim-  
40 ited to members of the representative organizations of military family advocates, local  
41 education agency officials, parent and teacher groups, the Department of Defense, the Edu-  
42 cation Commission of the States, the Interstate Agreement on the Qualification of Educa-  
43 tional Personnel and other interstate compacts affecting the education of children of military  
44 members.

45 D. Meet at least once each calendar year. The chairperson may call additional meetings

1 and, upon the request of a simple majority of the member states, shall call additional  
2 meetings.

3 E. Establish an executive committee, whose members shall include the officers of the  
4 Interstate Commission and such other members of the Interstate Commission as determined  
5 by the bylaws. Members of the executive committee shall serve a one-year term. Members  
6 of the executive committee shall be entitled to one vote each. The executive committee shall  
7 have the power to act on behalf of the Interstate Commission, with the exception of rule  
8 making, during periods when the Interstate Commission is not in session. The executive  
9 committee shall oversee the day-to-day activities of the administration of this compact, in-  
10 cluding enforcement and compliance with the provisions of this compact, its bylaws and  
11 rules, and other such duties as deemed necessary. The Department of Defense shall serve  
12 as an ex officio, nonvoting member of the executive committee.

13 F. Establish bylaws and rules that provide for conditions and procedures under which the  
14 Interstate Commission shall make its information and official records available to the public  
15 for inspection or copying. The Interstate Commission may exempt from disclosure informa-  
16 tion or official records to the extent they would adversely affect personal privacy rights or  
17 proprietary interests.

18 G. Give public notice of all meetings and all meetings shall be open to the public, except  
19 as set forth in the rules or as otherwise provided in this compact. The Interstate Commis-  
20 sion and its committees may close a meeting, or portion thereof, when it determines by a  
21 two-thirds vote that an open meeting would be likely to:

- 22 1. Relate solely to the Interstate Commission's internal personnel practices and proce-  
23 dures;
- 24 2. Disclose matters specifically exempted from disclosure by federal and state statute;
- 25 3. Disclose trade secrets or commercial or financial information that is privileged or  
26 confidential;
- 27 4. Involve accusing a person of a crime or formally censuring a person;
- 28 5. Disclose information of a personal nature if disclosure would constitute a clearly un-  
29 warranted invasion of personal privacy;
- 30 6. Disclose investigative records compiled for law enforcement purposes; or
- 31 7. Specifically relate to the Interstate Commission's participation in a civil action or  
32 other legal proceeding.

33 H. Cause its legal counselor designee to certify that a meeting may be closed and shall  
34 reference each relevant exemptible provision for any meeting, or portion of a meeting, which  
35 is closed pursuant to this provision. The Interstate Commission shall keep minutes that shall  
36 fully and clearly describe all matters discussed in a meeting and shall provide a full and ac-  
37 curate summary of actions taken, and the reasons therefore, including a description of the  
38 views expressed and the record of a roll call vote. All documents considered in connection  
39 with an action shall be identified in such minutes. All minutes and documents of a closed  
40 meeting shall remain under seal, subject to release by a majority vote of the Interstate  
41 Commission.

42 I. Collect standardized data concerning the educational transition of the children of mil-  
43 itary families under this compact as directed through its rules, which shall specify the data  
44 to be collected, the means of collection and data exchange and reporting requirements. Such  
45 methods of data collection, exchange and reporting shall, in so far as is reasonably possible,



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

3 J. Create a process that permits military officials, education officials and parents to in-  
4 form the Interstate Commission if and when there are alleged violations of this compact or  
5 its rules or when issues subject to the jurisdiction of this compact or its rules are not ad-  
6 dressed by the state or local education agency. This section shall not be construed to create  
7 a private right of action against the Interstate Commission or any member state.

8  
9 **ARTICLE X**

10 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

11  
12 **The Interstate Commission shall have the following powers:**

13 **A. To provide for dispute resolution among member states.**

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

18 **C. To issue, upon request of a member state, advisory opinions concerning the meaning**  
19 **or interpretation of this compact, its bylaws, rules and actions.**

20 **D. To enforce compliance with the compact provisions, the rules promulgated by the**  
21 **Interstate Commission and the bylaws, using all necessary and proper means, including but**  
22 **not limited to the use of the judicial process.**

23 **E. To establish and maintain offices that shall be located within one or more of the**  
24 **member states.**

25 **F. To purchase and maintain insurance and bonds.**

26 **G. To borrow, accept, hire or contract for services of personnel.**

27 **H. To establish and appoint committees, including but not limited to an executive com-**  
28 **mittee as required by Article IX, Section E of this compact, which shall have the power to**  
29 **act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.**

30 **I. To elect or appoint such officers, attorneys, employees, agents or consultants, and to**  
31 **fix their compensation, define their duties and determine their qualifications, and to estab-**  
32 **lish the Interstate Commission's personnel policies and programs relating to conflicts of in-**  
33 **terest, rates of compensation and qualifications of personnel.**

34 **J. To accept any and all donations and grants of money, equipment, supplies, materials**  
35 **and services, and to receive, utilize and dispose of it.**

36 **K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,**  
37 **improve or use any property, real, personal or mixed.**

38 **L. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of**  
39 **any property, real, personal or mixed.**

40 **M. To establish a budget and make expenditures.**

41 **N. To adopt a seal and bylaws governing the management and operation of the Interstate**  
42 **Commission.**

43 **O. To report annually to the legislatures, governors, judiciary and state councils of the**  
44 **member states concerning the activities of the Interstate Commission during the preceding**  
45 **year. Such reports shall also include any recommendations that may have been adopted by**

1 the Interstate Commission.

2 P. To coordinate education, training and public awareness regarding this compact, its  
3 implementation and operation for officials and parents involved in such activity.

4 Q. To establish uniform standards for the reporting, collecting and exchanging of data.

5 R. To maintain corporate books and records in accordance with the bylaws.

6 S. To perform such functions as may be necessary or appropriate to achieve the purposes  
7 of this compact.

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

10  
11 **ARTICLE XI**  
12 **ORGANIZATION AND OPERATION OF THE**  
13 **INTERSTATE COMMISSION**  
14

15 A. The Interstate Commission shall, by a majority of the members present and voting,  
16 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its  
17 conduct as may be necessary or appropriate to carry out the purposes of this compact, in-  
18 cluding but not limited to:

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

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

21 3. Providing for the establishment of committees and for governing any general or spe-  
22 cific delegation of authority or function of the Interstate Commission;

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

25 5. Establishing the titles and responsibilities of the officers and staff of the Interstate  
26 Commission;

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

30 7. Providing start-up rules for initial administration of this compact.

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

40 C. Executive committee, officers and personnel.

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

43 a. Managing the affairs of the Interstate Commission in a manner consistent with the  
44 bylaws and purposes of the Interstate Commission;

45 b. Overseeing an organizational structure within, and appropriate procedures for, the

1 Interstate Commission to provide for the creation of rules, operating procedures and ad-  
2 ministrative and technical support functions; and

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

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

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

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

28 2. The Interstate Commission shall defend the executive director and its employees and,  
29 subject to the approval of the Attorney General or other appropriate legal counsel of the  
30 member state represented by an Interstate Commission representative, shall defend such  
31 Interstate Commission representative in any civil action seeking to impose liability arising  
32 out of an actual or alleged act, error or omission that occurred within the scope of Interstate  
33 Commission employment, duties or responsibilities, or that the defendant had a reasonable  
34 basis for believing occurred within the scope of Interstate Commission employment, duties  
35 or responsibilities, provided that the actual or alleged act, error or omission did not result  
36 from intentional or willful and wanton misconduct on the part of such person.

37 3. To the extent not covered by the state involved, a member state, the Interstate Com-  
38 mission or the representatives or employees of the Interstate Commission shall be held  
39 harmless in the amount of a settlement or judgment, including attorney's fees and costs,  
40 obtained against such persons arising out of an actual or alleged act, error or omission that  
41 occurred within the scope of Interstate Commission employment, duties or responsibilities,  
42 or that such persons had a reasonable basis for believing occurred within the scope of  
43 Interstate Commission employment, duties or responsibilities, provided that the actual or  
44 alleged act, error or omission did not result from intentional or willful and wanton miscon-  
45 duct on the part of such persons.

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**ARTICLE XII**  
**RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

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

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

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

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

**ARTICLE XIII**  
**OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION**

**A. Oversight.**

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

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

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

**B. Default, technical assistance, suspension and termination.**

**1.** If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.

1        2. If a member state has defaulted, the Interstate Commission shall provide remedial  
2 training and specific technical assistance regarding the default.

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

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

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

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

20       7. The defaulting state may appeal the action of the Interstate Commission by petitioning  
21 the United States District Court for the District of Columbia or the federal district where  
22 the Interstate Commission has its principal offices. The prevailing party shall be awarded all  
23 costs of such litigation including reasonable attorney fees.

24       **C. Dispute resolution.**

25       1. The Interstate Commission shall attempt, upon the request of a member state, to resolve  
26 disputes that are subject to this compact and that may arise among member states and  
27 between member and nonmember states.

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

30       **D. Enforcement.**

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

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

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

43  
44  
45

ARTICLE XIV  
FINANCING OF THE INTERSTATE COMMISSION

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

3 **B. The Interstate Commission may levy on and collect an annual assessment from each**  
4 **member state to cover the cost of the operations and activities of the Interstate Commission**  
5 **and its staff, which must be in a total amount sufficient to cover the Interstate**  
6 **Commission’s annual budget as approved each year. The aggregate annual assessment**  
7 **amount shall be allocated based upon a formula to be determined by the Interstate Com-**  
8 **mission, which shall promulgate a rule binding upon all member states.**

9 **C. The Interstate Commission shall not incur obligations of any kind prior to securing**  
10 **the funds adequate to meet the same, nor shall the Interstate Commission pledge the credit**  
11 **of any of the member states, except by and with the authority of the member state.**

12 **D. The Interstate Commission shall keep accurate accounts of all receipts and disburse-**  
13 **ments. The receipts and disbursements of the Interstate Commission shall be subject to the**  
14 **audit and accounting procedures established under its bylaws. However, all receipts and dis-**  
15 **bursements of funds handled by the Interstate Commission shall be audited yearly by a cer-**  
16 **tified or licensed public accountant and the report of the audit shall be included in and**  
17 **become part of the annual report of the Interstate Commission.**

18  
19 **ARTICLE XV**  
20 **MEMBER STATES, EFFECTIVE DATE AND AMENDMENT**  
21

22 **A. Any state is eligible to become a member state.**

23 **B. This compact shall become effective and binding upon legislative enactment of this**  
24 **compact into law by no less than 10 of the states. The effective date may be no earlier than**  
25 **December 1, 2007. Thereafter it shall become effective and binding as to any other member**  
26 **state upon enactment of this compact into law by that state. The governors of nonmember**  
27 **states or their designees shall be invited to participate in the activities of the Interstate**  
28 **Commission on a nonvoting basis prior to adoption of this compact by all states.**

29 **C. The Interstate Commission may propose amendments to this compact for enactment**  
30 **by the member states. No amendment shall become effective and binding upon the Interstate**  
31 **Commission and the member states unless and until it is enacted into law by unanimous**  
32 **consent of the member states.**

33  
34 **ARTICLE XVI**  
35 **WITHDRAWAL AND DISSOLUTION**  
36

37 **A. Withdrawal.**

38 **1. Once effective, this compact shall continue in force and remain binding upon each and**  
39 **every member state provided that a member state may withdraw from this compact by spe-**  
40 **cifically repealing the statute that enacted this compact into law.**

41 **2. Withdrawal from this compact shall be by the enactment of a statute repealing the**  
42 **same, but shall not take effect until one year after the effective date of such statute and**  
43 **until written notice of the withdrawal has been given by the withdrawing state to the Gov-**  
44 **ernor of each other member jurisdiction.**

45 **3. The withdrawing state shall immediately notify the chairperson of the Interstate**

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

4 4. The withdrawing state is responsible for all assessments, obligations and liabilities in-  
5 curred through the effective date of withdrawal, including obligations, the performance of  
6 which extend beyond the effective date of withdrawal.

7 5. Reinstatement following withdrawal of a member state shall occur upon the with-  
8 drawing state reenacting this compact or upon such later date as determined by the Inter-  
9 state Commission.

10 **B. Dissolution of compact.**

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

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

16  
17 **ARTICLE XVII**

18 **SEVERABILITY AND CONSTRUCTION**

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

23 **B. The provisions of this compact shall be liberally construed to effectuate its purposes.**

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

26  
27 **ARTICLE XVIII**

28 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

29  
30 **A. Other laws.**

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

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

35 **B. Binding effect of the compact.**

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

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

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

1                                   **ESTABLISHING NEW STATE COUNCIL**  
2                                   **(Establishment, Duties, Appointment, Term,**  
3                                   **Confirmation, Per Diem)**

4  
5        **SECTION 2.** (1) There is established a State Council for Educational Opportunity for  
6        **Military Children** as described in Article VIII of the Interstate Compact on Educational Op-  
7        **portunity for Military Children** under section 1 of this 2014 Act consisting of seven members  
8        appointed by the Governor.

9        (2) The term of office of each member is four years, but a member serves at the pleasure  
10       of the Governor. Before the expiration of the term of a member, the Governor shall appoint  
11       a successor whose term begins on July 1 next following. A member is eligible for reappoint-  
12       ment. If there is a vacancy for any cause, the Governor shall make an appointment to be-  
13       come immediately effective for the unexpired term.

14       (3) The appointment of a member to the State Council is subject to confirmation by the  
15       Senate in the manner prescribed in ORS 171.562 and 171.565.

16       (4) A member of the State Council who is not a member of the Legislative Assembly is  
17       entitled to compensation and expenses as provided in ORS 292.495.

18       **SECTION 3.** (1) Notwithstanding the term of office specified by section 2 of this 2014 Act,  
19       of the members first appointed to the State Council:

20       (a) One shall serve for a term ending July 31, 2015.

21       (b) One shall serve for a term ending July 31, 2016.

22       (c) One shall serve for a term ending July 31, 2017.

23       (d) One shall serve for a term ending July 31, 2018.

24       (2) The State Council shall carry out the duties described in section 1 of this 2014 Act.

25  
26                                   **(Qualification of Members)**

27  
28        **SECTION 4.** (1) The members of the State Council for Educational Opportunity for Mili-  
29        **tary Children** must be residents of this state who are well informed on the principles of ed-  
30        **ucation of military children.**

31        (2) The membership must include:

32        (a) The Deputy Superintendent of Public Instruction;

33        (b) The superintendent of a school district with a high concentration of military children;

34        (c) A representative from a military installation located within this state;

35        (d) One member from the Senate;

36        (e) One member from the House of Representatives;

37        (f) A representative of the executive branch of the state government; and

38        (g) A representative from the Oregon Military Department.

39  
40                                   **(Officers of the State Council, Quorum, Meetings)**

41  
42        **SECTION 5.** (1) The State Council for Educational Opportunity for Military Children shall  
43        select one of its members as chairperson and another as vice chairperson, for such terms  
44        and with duties and powers necessary for the performance of the functions of such offices  
45        as the State Council determines.



1 (2) A majority of the members of the State Council constitutes a quorum for the trans-  
2 action of business.

3 (3) The State Council shall meet at least once every three months at a place, day and  
4 hour determined by the State Council. The State Council may also meet at other times and  
5 places specified by the call of the chairperson or of a majority of the members of the State  
6 Council.

7  
8 (Employees)

9  
10 **SECTION 6.** (1) The State Council for Educational Opportunity for Military Children shall  
11 appoint a director to serve at the pleasure of the State Council.

12 (2) The designation of the director must be by written order, filed with the Secretary of  
13 State.

14 (3) Subject to any applicable provisions of ORS chapter 240, the director shall appoint all  
15 subordinate officers and employees of the State Council, prescribe their duties and fix their  
16 compensation.

17  
18 (Authority to Adopt Rules)

19  
20 **SECTION 7.** In accordance with applicable provisions of ORS chapter 183, the State  
21 Council for Educational Opportunity for Military Children may adopt rules necessary for the  
22 administration of the laws that the State Council is charged with administering.

23  
24 (Oaths, Witnesses, Subpoenas)

25  
26 **SECTION 8.** The State Council for Educational Opportunity for Military Children, the  
27 director of the State Council and authorized representatives of the State Council may ad-  
28 minister oaths, take depositions and issue subpoenas to compel the attendance of witnesses  
29 and the production of documents or other written information necessary to carry out the  
30 provisions of sections 2 to 9 of this 2014 Act. If any person fails to comply with a subpoena  
31 issued under this section or refuses to testify on matters on which the person lawfully may  
32 be interrogated, the procedure set out in ORS 183.440 shall be followed to compel obedience.

33  
34 (Advisory and Technical Committees)

35  
36 **SECTION 9.** (1) The State Council for Educational Opportunity for Military Children may  
37 establish such advisory and technical committees as it considers necessary to aid and advise  
38 the State Council in the performance of its functions. These committees may be continuing  
39 or temporary committees. The State Council shall determine the representation, member-  
40 ship, terms and organization of the committees and shall appoint their members.

41 (2) Members of the committees are not entitled to compensation, but at the discretion  
42 of the State Council may be reimbursed from funds available to the State Council for actual  
43 and necessary travel and other expenses incurred by them in the performance of their offi-  
44 cial duties, in the manner and amount provided in ORS 292.495.

MISCELLANEOUS

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**SECTION 10. The unit captions used in this 2014 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2014 Act.**

**SECTION 11. This 2014 Act is repealed on December 31, 2019.**

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