

1 AN ACT relating to the military.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 40.400 is amended to read as follows:

4 As used in KRS 40.410 to 40.560, the following terms have the following respective
5 meanings, unless another meaning is clearly required by the context:

- 6 (1) "Department of Military Affairs" means the office of the adjutant general,
7 Commonwealth of Kentucky;
- 8 (2) "Administrator" means the individual designated by the adjutant general to carry
9 out the responsibilities of KRS 40.410 to 40.560;
- 10 (3) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force,
11 **Space Force**, and Coast Guard, including the reserve components thereof on active
12 duty, other than for training, and shall not include the merchant marine;
- 13 (4) "Qualified veteran" means any person whose period of active duty service meets the
14 criteria set forth in subsection (5) or (6) of this section;
- 15 (5) "Qualifying Vietnam service" means service by any person who:
- 16 (a) Served as a member of the Armed Forces of the United States in Vietnam or
17 its contiguous waters or airspace, as defined in United States Department of
18 Defense Directive 1348.15, October 1, 1965, for a period of at least thirty (30)
19 days, unless such period was lessened as a result of death or medical
20 evacuation, during the period July 1, 1958, through May 15, 1975; or served
21 as a member of the Armed Forces of the United States in the Dominican
22 Republic, Congo, Thailand, Laos, or Cambodia, or participated in aerial
23 missions in the airspace over same, for a period of at least thirty (30) days,
24 unless such period was lessened as a result of death or medical evacuation,
25 during the period July 3, 1965, through May 15, 1975; or served as a member
26 of the Armed Forces of the United States and was awarded, or was eligible for
27 award of, the Vietnam Service Medal established by United States

- 1 Department of Defense Directive 1348.15, October 1, 1965;
- 2 (b) Was released, separated, or discharged from the Armed Forces under other
3 than dishonorable conditions or who is presently serving on active duty;
- 4 (c) Was a resident of the Commonwealth at the time of entry into active service
5 in the Armed Forces and for at least six (6) months prior thereto; and
- 6 (d) Has not received a similar bonus for such service from any other state;
- 7 (6) "Qualifying Vietnam era service" means service by any person who:
- 8 (a) Served in the Armed Forces of the United States on active duty, including
9 service in a reserve component thereof other than for training, for at least
10 ninety (90) consecutive days, exclusive of time lost as AWOL or in penal
11 confinement, during the period August 5, 1964, to May 15, 1975, but whose
12 service was in a location not included in subsection (5)(a) of this section;
- 13 (b) Was released, separated, or discharged from the Armed Forces under other
14 than dishonorable conditions or is still serving on active duty;
- 15 (c) Was a resident of the Commonwealth at the time of his entry into active
16 service in the Armed Forces and for at least six (6) months prior thereto; and
- 17 (d) Has not received a similar bonus for such service from any other state;
- 18 (7) "Resident of the Commonwealth at the time of entry into the active service" means
19 any person who gave the Commonwealth of Kentucky, or any specific place in this
20 Commonwealth, as his or her place of residence at the time of entry. Conclusive
21 and exclusive evidence of the giving of place of residence shall be the official
22 records on file in the Department of Defense of the United States, or any official
23 record thereof in the files of the United States Department of Veterans Affairs; but
24 if it be shown to the satisfaction of the administrator that for any reason no such
25 record was made, or that it has been lost, misplaced, destroyed, or was in error, or
26 that an authenticated copy thereof cannot be obtained within a reasonable time,
27 other evidence of bona fide residence may be accepted if deemed sufficient by the

1 administrator;

2 (8) "Resident," in any context other than as in subsections (5) and (6) of this section,
3 means a legal resident as determined by generally established principles of law, as
4 may be defined, and subject to proof, according to the regulations the administrator
5 promulgates;

6 (9) "Beneficiary" means the following persons who were alive at the time of
7 application, in this order: widow, if none to the child or children equally, if none to
8 the mother and father equally, but if the father is dead, the mother, if living, shall
9 take the whole amount; but if the mother is dead, the father, if living, shall take the
10 whole amount;

11 (10) (a) "Widow" means a woman who was the wife of a qualified veteran at the time
12 of his death;

13 (b) The term "widow" also includes "widower" in the case of a man who was the
14 husband of a female qualified veteran at the time of her death;

15 (11) "Child" means a person:

16 (a) Who is under the age of eighteen (18) at the time application is made or who
17 was under the age of eighteen (18) at the time of the veteran's death;

18 (b) Who, before attaining the age of eighteen (18), became permanently incapable
19 of self-support; or

20 (c) Who, after attaining the age of eighteen (18) and until completion of
21 education or training, but not after attaining the age of twenty-three (23), is
22 pursuing a course of instruction at a bona fide educational institution; and
23 who, in relationship to the veteran, is a legitimate child; a legally adopted
24 child; a stepchild who is a member of a qualified veteran's household or was a
25 member at the time of the veteran's death; or an illegitimate child, but, as to
26 the alleged father, only if acknowledged in writing signed by him or if he had,
27 before his death, been judicially decreed to be the father of such child;

- 1 (12) "Mother" means a mother, a mother through adoption, or a woman who for a period
2 of not less than one (1) year stood in the relationship of a mother to a qualified
3 veteran before his or her entry into active service in the Armed Forces, or if two (2)
4 persons stood in such relationship for one (1) year or more, the person who last
5 stood in such relationship before the veteran's last entry into active service in the
6 Armed Forces;
- 7 (13) "Father" means a father, a father through adoption, or a man who for a period of not
8 less than one (1) year stood in the relationship of a father to a qualified veteran
9 before his or her entry into active service in the Armed Forces, or if two (2) persons
10 stood in such relationship for one (1) year or more, the person who last stood in
11 such relationship before the veteran's last entry into active service in the Armed
12 Forces;
- 13 (14) "In the continental United States" means any place in the District of Columbia and
14 the states of the United States which are on the North American continent,
15 exclusive of Alaska;
- 16 (15) "Outside the continental United States" means any place elsewhere than as defined
17 in subsection (14) of this section;
- 18 (16) "Bonus" and "Vietnam veterans' bonus" mean the compensation authorized by KRS
19 40.410 to 40.560;
- 20 (17) "Bonus claim" means a claim or potential claim for a Vietnam veterans' bonus; and
21 (18) "Claimant" means one who seeks to obtain payment of a bonus claim.

22 ➔Section 2. KRS 156.730 is amended to read as follows:

23 ARTICLE I

24 Purpose

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

- 1 A. Facilitating the timely enrollment of children of military families and ensuring that
 2 they are not placed at a disadvantage due to difficulty in the transfer of education
 3 records from the previous school district(s) or variations in entrance/age
 4 requirements;
- 5 B. Facilitating the student placement process through which children of military
 6 families are not disadvantaged by variations in attendance requirements,
 7 scheduling, sequencing, grading, course content, or assessment;
- 8 C. Facilitating the qualification and eligibility for enrollment, educational programs,
 9 and participation in extracurricular academic, athletic, and social activities;
- 10 D. Facilitating the on-time graduation of children of military families;
- 11 E. Providing for promulgation and enforcement of administrative rules implementing
 12 the provisions of this compact;
- 13 F. Providing for the uniform collection and sharing of information between and among
 14 member states, schools, and military families under this compact;
- 15 G. Promoting coordination between this compact and other compacts affecting military
 16 children; and
- 17 H. Promoting flexibility and cooperation between the educational system, parents, and
 18 students in order to achieve educational success for students.

19 ARTICLE II

20 Definitions

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

- 22 A. "Active duty" means full-time duty status in the active uniformed service of the
 23 United States, including members of the National Guard and Reserve on active duty
 24 orders pursuant to 10 U.S.C. ~~secs.~~ *chs.* 1209 and 1211;
- 25 B. "Children of military families" means a school-aged child or children enrolled in
 26 kindergarten through twelfth (12th) grade, in the household of an active duty
 27 member;

- 1 C. "Compact commissioner" means the voting representative of each compacting state
2 appointed pursuant to Article VIII of this compact;
- 3 D. "Deployment" means the period of one (1) month prior to a service member's
4 departure from his or her home station on military orders through six (6) months
5 after return to the home station;
- 6 E. "Educational records" means those official records, files, and data directly related to
7 a student and maintained by the school or local education agency, including but not
8 limited to records encompassing all the material kept in the student's cumulative
9 folder such as general identifying data, records of attendance and of academic work
10 completed, records of achievement and results of evaluative tests, health data,
11 disciplinary status, test protocols, and individualized education programs;
- 12 F. "Extracurricular activities" means a voluntary activity sponsored by the school or
13 local education agency or an organization sanctioned by the local education agency.
14 Extracurricular activities include but are not limited to preparation for and
15 involvement in public performances, contests, athletics competitions,
16 demonstrations, displays, and club activities;
- 17 G. "Interstate Commission on Educational Opportunity for Military Children" means
18 the commission created under Article IX of this compact, which is generally
19 referred to as "Interstate Commission";
- 20 H. "Local education agency" means a public authority legally constituted by the state
21 as an administrative agency to provide control of and direction for kindergarten
22 through twelfth (12th) grade public educational institutions;
- 23 I. "Member state" means a state that has enacted this compact;
- 24 J. "Military installation" means a base, camp, post, station, yard, center, homeport
25 facility for any ship, or other activity under the jurisdiction of the Department of
26 Defense, including any leased facility, which is located within any of the several
27 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin

- 1 Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S.
2 Territory. Such term does not include any facility used primarily for civil works,
3 rivers, and harbor projects, or flood control projects;
- 4 K. "Non-member state" means a state that has not enacted this compact;
- 5 L. "Receiving state" means the state to which a child of a military family is sent,
6 brought, or caused to be sent or brought;
- 7 M. "Rule" means a written statement by the Interstate Commission promulgated
8 pursuant to Article XII of this compact that is of general applicability, implements,
9 interprets, or prescribes a policy of the compact, or an organizational, procedural, or
10 practice requirement of the Interstate Commission, and has the force and effect of
11 statutory law in a member state, and includes the amendment, repeal, or suspension
12 of an existing rule;
- 13 N. "Sending state" means the state from which a child of a military family is sent,
14 brought, or caused to be sent or brought;
- 15 O. "State" means a state of the United States, the District of Columbia, the
16 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa,
17 the Northern Marianas Islands, and any other U.S. Territory;
- 18 P. "Student" means the child of a military family for whom the local education agency
19 receives public funding and who is formally enrolled in kindergarten through
20 twelfth (12th) grade;
- 21 Q. "Transition" means the formal and physical process of transferring from school to
22 school or the period of time in which a student moves from one school in the
23 sending state to another school in the receiving state;
- 24 R. "Uniformed service(s)" means the Army, Navy, Air Force, Marine Corps, and
25 Coast Guard, as well as the Commissioned Corps of the National Oceanic and
26 Atmospheric Administration, and Public Health Services; and
- 27 S. "Veteran" means a person who served in the uniformed services and who was

1 discharged or released therefrom under conditions other than dishonorable.

2 ARTICLE III

3 Applicability

4 A. Except as otherwise provided in this section, this compact shall apply to the
5 children of:

6 1. Active duty members of the uniformed services as defined in this compact,
7 including members of the National Guard and Reserve on active duty orders
8 pursuant to 10 U.S.C. ~~chs. [secs.]~~ 1209 and 1211;

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

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

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

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

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

18 2. Members of the uniformed services now retired, except as provided for in this
19 section;

20 3. Veterans of the uniformed services, except as provided for in this section; and

21 4. Other U.S. Department of Defense personnel and other federal agency civilian
22 and contract employees not defined as active duty members of the uniformed
23 services.

24 ARTICLE IV

25 Educational Records and Enrollment

26 A. Unofficial or "hand-carried" educational records: In the event that official
27 educational records cannot be released to the parents for the purpose of transfer, the

1 custodian of the records in the sending state shall prepare and furnish to the parent a
2 complete set of unofficial educational records containing uniform information as
3 determined by the Interstate Commission. Upon receipt of the unofficial
4 educational records by a school in the receiving state, the school shall enroll and
5 appropriately place the student based on the information provided in the unofficial
6 records pending validation by the official records, as quickly as possible.

7 B. Official educational records/transcripts: Simultaneous with the enrollment and
8 conditional placement of the student, the school in the receiving state shall request
9 the student's official record from the school in the sending state. Upon receipt of
10 this request, the school in the sending state will process and furnish the official
11 educational records to the school in the receiving state within ten (10) days or
12 within such time as is reasonably determined under the rules promulgated by the
13 Interstate Commission.

14 C. Immunizations: Compacting states shall give thirty (30) days from the date of
15 enrollment, or within such time as is reasonably determined under the rules
16 promulgated by the Interstate Commission, for students to obtain any
17 immunization(s) required by the receiving state. For a series of immunizations,
18 initial vaccinations must be obtained within thirty (30) days or within such time as
19 is reasonably determined under the rules promulgated by the Interstate
20 Commission.

21 D. Kindergarten and first grade entrance age: Students shall be allowed to continue
22 their enrollment at the grade level in the receiving state commensurate with their
23 grade level (including kindergarten) from a local education agency in the sending
24 state at the time of transition, regardless of age. A student that has satisfactorily
25 completed the prerequisite grade level in the local education agency in the sending
26 state shall be eligible for enrollment in the next highest grade level in the receiving
27 state, regardless of age. A student transferring after the start of the school year in

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

3 ARTICLE V

4 Placement and Attendance

5 A. Course placement: When the student transfers before or during the school year, the
6 receiving state shall initially honor placement of the student in educational courses
7 based on the student's enrollment in the sending state school and/or educational
8 assessments conducted at the school in the sending state if the courses are offered.
9 Course placement includes but is not limited to Honors, International
10 Baccalaureate, Advance Placement, vocational, technical, and career pathways
11 courses. Continuing the student's academic program from the previous school and
12 promoting placement in academically and career challenging courses should be
13 paramount when considering placement. This does not preclude the school in the
14 receiving state from performing subsequent evaluations to ensure appropriate
15 placement and continued enrollment of the student in the course(s).

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

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

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

24 C. Special education services:

- 25 1. In compliance with the federal requirements of the Individuals with
26 Disabilities Education Act (IDEA), 20 U.S.C.A. sec. 1400 et seq., the
27 receiving state shall initially provide comparable services to a student with

- 1 disabilities based on his or her current Individualized Education Program
2 (IEP); and
- 3 2. In compliance with the requirements of Section 504 of the Rehabilitation Act,
4 29 U.S.C.A. sec. 794, and with Title II of the Americans with Disabilities Act,
5 42 U.S.C.A. secs. 12131-12165, the receiving state shall make reasonable
6 accommodations and modifications to address the needs of incoming students
7 with disabilities, subject to an existing 504 or Title II Plan, to provide the
8 student with equal access to education. This does not preclude the school in
9 the receiving state from performing subsequent evaluations to ensure
10 appropriate placement of the student.
- 11 D. Placement flexibility: Local education agency administrative officials shall have
12 flexibility in waiving course or program prerequisites, or other preconditions for
13 placement in courses or programs offered under the jurisdiction of the local
14 education agency.
- 15 E. Absence as related to deployment activities: A student whose parent or legal
16 guardian is an active member of the uniformed services, as defined by this compact,
17 and has been called to active duty for, is on leave from, or immediately returned
18 from deployment to a combat zone or combat support posting, shall be granted
19 additional excused absences at the discretion of the local education agency
20 superintendent to visit with his or her parent or legal guardian relative to such leave
21 or deployment of the parent or guardian.

22 ARTICLE VI

23 Eligibility

- 24 A. Eligibility for enrollment:
- 25 1. Special power of attorney, relative to the guardianship of a child of a military
26 family and executed under applicable law shall be sufficient for the purposes
27 of enrollment and all other actions requiring parental participation and

1 consent;

2 2. A local education agency shall be prohibited from charging local tuition to a
3 transitioning military child placed in the care of a non-custodial parent or
4 other person standing in loco parentis who lives in the jurisdiction other than
5 that of the custodial parent; and

6 3. A transitioning military child, placed in the care of a non-custodial parent or
7 other person standing in loco parentis who lives in a jurisdiction other than
8 that of the custodial parent, may continue to attend the school in which he or
9 she was enrolled while residing with the custodial parent.

10 B. Eligibility for extracurricular participation: State and local education agencies shall
11 facilitate the opportunity for transitioning military children's inclusion in
12 extracurricular activities, regardless of application deadlines, to the extent they are
13 otherwise qualified.

14 ARTICLE VII

15 Graduation

16 In order to facilitate the on-time graduation of children of military families, state and
17 local education agencies shall incorporate the following procedures:

18 A. Waiver requirements: Local education agency administrative officials shall waive
19 specific courses required for graduation if similar course work has been
20 satisfactorily completed in another local education agency or shall provide
21 reasonable justification for denial. Should a waiver not be granted to a student who
22 would qualify to graduate from the sending school, the local education agency shall
23 provide alternative means of acquiring required coursework so that graduation may
24 occur on time.

25 B. Exit exams - States shall accept:

- 26 1. Exit or end-of-course exams required for graduation from the sending state;
27 2. National norm-referenced achievement tests; or

1 of Representatives, to be chosen respectively by the President of the Senate
2 and the Speaker of the House of Representatives. The respective leaders will
3 then forward the names of their chosen members to the Governor. The
4 members shall serve at the pleasure of the President and Speaker;

5 5. One representative from the executive branch of government; and

6 6. Other offices and stakeholder groups the State Council deems appropriate.

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

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

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

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

19 ARTICLE IX

20 Interstate Commission on Educational Opportunity for Military Children

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

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

- 1 B. Consist of one Interstate Commission voting representative from each member state
2 who shall be that state's compact commissioner.
- 3 1. Each member state represented at a meeting of the Interstate Commission is
4 entitled to a vote.
- 5 2. A majority of the total member states shall constitute a quorum for the
6 transaction of business, unless a larger quorum is required by the bylaws of
7 the Interstate Commission.
- 8 3. A representative shall not delegate a vote to another member state. In the
9 event the compact commissioner is unable to attend a meeting of the Interstate
10 Commission, the Governor or State Council may delegate voting authority to
11 another person from their state for a specified meeting.
- 12 4. The bylaws may provide for meetings of the Interstate Commission to be
13 conducted by telecommunication or electronic communication.
- 14 C. Consist of ex-officio, non-voting representatives who are members of interested
15 organizations. Such ex-officio members, as defined in the bylaws, may include but
16 not be limited to members of the representative organizations of military family
17 advocates, local education agency officials, parent and teacher groups, the U.S.
18 Department of Defense, the Education Commission of the States, the Interstate
19 Agreement on the Qualification of Educational Personnel, and other interstate
20 compacts affecting the education of children of military members.
- 21 D. Meet at least once each calendar year. The chairperson may call additional meetings
22 and, upon the request of a simple majority of the member states, shall call
23 additional meetings.
- 24 E. Establish an executive committee, whose members shall include the officers of the
25 Interstate Commission and such other members of the Interstate Commission as
26 determined by the bylaws. Members of the executive committee shall serve a one
27 (1) year term. Members of the executive committee shall be entitled to one (1) vote

1 each. The executive committee shall have the power to act on behalf of the
2 Interstate Commission, with the exception of rulemaking, during periods when the
3 Interstate Commission is not in session. The executive committee shall oversee the
4 day-to-day activities of the administration of the compact including enforcement
5 and compliance with the provisions of the compact, its bylaws and rules, and other
6 such duties as deemed necessary. The U.S. Department of Defense shall serve as an
7 ex-officio, nonvoting member of the executive committee.

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

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

- 17 1. Relate solely to the Interstate Commission's internal personnel practices and
18 procedures;
- 19 2. Disclose matters specifically exempted from disclosure by federal and state
20 statute;
- 21 3. Disclose trade secrets or commercial or financial information which is
22 privileged or confidential;
- 23 4. Involve accusing a person of a crime, or formally censuring a person;
- 24 5. Disclose information of a personal nature where disclosure would constitute a
25 clearly unwarranted invasion of personal privacy;
- 26 6. Disclose investigative records compiled for law enforcement purposes; or
27 7. Specifically relate to the Interstate Commission's participation in a civil action

- 1 A. To provide for dispute resolution among member states;
- 2 B. To promulgate rules and take all necessary actions to effect the goals, purposes, and
3 obligations as enumerated in this compact. The rules shall have the force and effect
4 of statutory law and shall be binding in the compact states to the extent and in the
5 manner provided in this compact;
- 6 C. To issue, upon request of a member state, advisory opinions concerning the
7 meaning or interpretation of the interstate compact, its bylaws, rules, and actions;
- 8 D. To enforce compliance with the compact provisions, the rules promulgated by the
9 Interstate Commission, and the bylaws, using all necessary and proper means,
10 including but not limited to the use of judicial process;
- 11 E. To establish and maintain offices which shall be located within one or more of the
12 member states;
- 13 F. To purchase and maintain insurance and bonds;
- 14 G. To borrow, accept, hire, or contract for services of personnel;
- 15 H. To establish and appoint committees including but not limited to an executive
16 committee as required by Article IX, Section E, which shall have the power to act
17 on behalf of the Interstate Commission in carrying out its powers and duties
18 hereunder;
- 19 I. To elect or appoint such officers, attorneys, employees, agents, or consultants and
20 to fix their compensation, define their duties and determine their qualifications to
21 establish the Interstate Commission's personnel policies and programs relating to
22 conflicts of interest, rates of compensation, and qualifications of personnel;
- 23 J. To accept any and all donations and grants of money, equipment, supplies,
24 materials, and services, and to receive, utilize, and dispose of them;
- 25 K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
26 improve, or use any property, whether real, personal, or mixed;
- 27 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose

- 1 of any property, whether real, personal, or mixed;
- 2 M. To establish a budget and make expenditures;
- 3 N. To adopt a seal and bylaws governing the management and operation of the
4 Interstate Commission;
- 5 O. To report annually to the legislatures, governors, judiciary, and state councils of the
6 member states concerning the activities of the Interstate Commission during the
7 preceding year. Such reports shall also include any recommendations that may have
8 been adopted by the Interstate Commission;
- 9 P. To coordinate education, training and public awareness regarding the compact, its
10 implementation, and operation for officials and parents involved in such activity;
- 11 Q. To establish uniform standards for the reporting, collecting, and exchanging of data;
- 12 R. To maintain corporate books and records in accordance with the bylaws;
- 13 S. To perform such functions as may be necessary or appropriate to achieve the
14 purposes of this compact; and
- 15 T. To provide for the uniform collection and sharing of information between and
16 among member states, schools, and military families under this compact.

17 ARTICLE XI

18 Organization and Operation of the Interstate Commission

- 19 A. The Interstate Commission shall, by a majority of the members present and voting,
20 within twelve (12) months after the first Interstate Commission meeting, adopt
21 bylaws to govern its conduct as may be necessary or appropriate to carry out the
22 purposes of the compact, including but not limited to:
- 23 1. Establishing the fiscal year of the Interstate Commission;
- 24 2. Establishing an executive committee and such other committees as may be
25 necessary;
- 26 3. Providing for the establishment of committees and for governing any general
27 or specific delegation of authority or function of the Interstate Commission;

- 1 4. Providing reasonable procedures for calling and conducting meetings of the
 - 2 Interstate Commission and ensuring reasonable notice of each such meeting;
 - 3 5. Establishing the titles and responsibilities of the offices and staff of the
 - 4 Interstate Commission;
 - 5 6. Providing a mechanism for concluding the operations of the Interstate
 - 6 Commission and the return of surplus funds that may exist upon the
 - 7 termination of the compact after the payment and reserving of all of its debts
 - 8 and obligations; and
 - 9 7. Providing "start up" rules for initial administration of the compact.
- 10 B. The Interstate Commission shall, by a majority of the members, elect annually from
- 11 among its members a chairperson, a vice-chairperson, and a treasurer, each of
- 12 whom shall have such authority and duties as may be specified in the bylaws. The
- 13 chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall
- 14 preside at all meetings of the Interstate Commission. The officers so elected shall
- 15 serve without compensation or remuneration from the Interstate Commission;
- 16 provided that, subject to the availability of budgeted funds, the officers shall be
- 17 reimbursed for ordinary and necessary costs and expenses incurred by them in the
- 18 performance of their responsibilities as officers of the Interstate Commission.
- 19 C. Executive Committee, Officers, and Personnel:
- 20 1. The executive committee shall have authority and duties as may be set forth in
 - 21 the bylaws, including but not limited to:
 - 22 a. Managing the affairs of the Interstate Commission in a manner
 - 23 consistent with the bylaws and purposes of the Interstate Commission;
 - 24 b. Overseeing an organizational structure within, and appropriate
 - 25 procedures for, the Interstate Commission to provide for the creation of
 - 26 rules, operating procedures, and administrative and technical support
 - 27 functions; and

- 1 c. Planning, implementing, and coordinating communications and
2 activities with other state, federal, and local government organizations in
3 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
6 such terms and conditions, and for such compensation, as the Interstate
7 Commission may deem appropriate. The executive director shall serve as
8 secretary to the Interstate Commission, but shall not be a member of the
9 Interstate Commission. The executive director shall hire and supervise such
10 other persons as may be authorized by the Interstate Commission.
- 11 D. The Interstate Commission's executive director and its employees shall be immune
12 from suit and liability, either personally or in their official capacity, for a claim for
13 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,
15 or that such person had a reasonable basis for believing occurred, within the scope
16 of Interstate Commission employment, duties, or responsibilities; provided, that
17 such person shall not be protected from suit or liability for damage, loss, injury, or
18 liability caused by the intentional or willful and wanton misconduct of such person.
- 19 1. The liability of the Interstate Commission's executive director and employees
20 or Interstate Commission representatives, acting within the scope of such
21 person's employment or duties for acts, errors, or omissions occurring within
22 such person's state may not exceed the limits of liability set forth under the
23 constitution and laws of that state for state officials, employees, and agents.
24 The Interstate Commission is considered to be an instrumentality of the states
25 for the purposes of any such action. Nothing in this subsection shall be
26 construed to protect such person from suit or liability for damage, loss, injury,
27 or liability caused by intentional or willful and wanton misconduct of such

1 person.

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

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

23 ARTICLE XII

24 Rulemaking Functions of the Interstate Commission

25 A. Rulemaking Authority: The Interstate Commission shall promulgate reasonable
26 rules in order to effectively and efficiently achieve the purposes of this compact.
27 Notwithstanding the foregoing, in the event the Interstate Commission exercises its

1 rulemaking authority in a manner that is beyond the scope of the purposes of this
2 Act, or the powers granted hereunder, then such an action by the Interstate
3 Commission shall be invalid and have no force or effect.

4 B. Rulemaking Procedure: Rules shall be made pursuant to a rulemaking process that
5 substantially conforms to the "Model State Administrative Procedure Act," of 1981,
6 Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to
7 the operations of the Interstate Commission.

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

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

18 ARTICLE XIII

19 Oversight, Enforcement, and Dispute Resolution

20 A. Oversight:

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

26 2. All courts shall take judicial notice of the compact and the rules in any
27 judicial or administrative proceeding in a member state pertaining to the

1 subject matter of this compact which may effect the powers, responsibilities,
2 or actions of the Interstate Commission.

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

8 B. Default, Technical Assistance, Suspension, and Termination - If the Interstate
9 Commission determines that a member state has defaulted in the performance of its
10 obligations or responsibilities under this compact, the bylaws, or promulgated rules,
11 the Interstate Commission shall:

12 1. Provide written notice to the defaulting state and other member states of the
13 nature of default, the means of curing the default, and any action taken by the
14 Interstate Commission. The Interstate Commission shall specify the
15 conditions by which the defaulting state must cure its default; and

16 2. Provide remedial training and specific technical assistance regarding the
17 default.

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

24 4. Suspension or termination of membership in the compact shall be imposed
25 only after all other means of securing compliance have been exhausted.
26 Notice of intent to suspend or terminate shall be given by the Interstate
27 Commission to the Governor, the majority and minority leaders of the

1 defaulting state's legislature, and each of the member states.

2 5. The state which has been suspended or terminated is responsible for all
3 assessments, obligations, and liabilities incurred through the effective date of
4 suspension or termination, including obligations the performance of which
5 extends beyond the effective date of suspension or termination.

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

10 7. The defaulting state may appeal the action of the Interstate Commission by
11 petitioning the U.S. District Court for the District of Columbia or the federal
12 district where the Interstate Commission has its principal offices. The
13 prevailing party shall be awarded all costs of such litigation, including
14 reasonable attorney's fees.

15 C. Dispute Resolution:

16 1. The Interstate Commission shall attempt, upon the request of a member state,
17 to resolve disputes which are subject to the compact and which may arise
18 among member states and between member and non-member states.

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

21 D. Enforcement:

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

24 2. The Interstate Commission may by majority vote of the members initiate legal
25 action in the United States District Court for the District of Columbia or, at
26 the discretion of the Interstate Commission, in the federal district where the
27 Interstate Commission has its principal offices, to enforce compliance with

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

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

9 ARTICLE XIV

10 Financing of the Interstate Commission

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

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

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

24 D. The Interstate Commission shall keep accurate accounts of all receipts and
25 disbursements. The receipts and disbursements of the Interstate Commission shall
26 be subject to the audit and accounting procedures established under its bylaws.
27 However, all receipts and disbursements of funds handled by the Interstate

1 Commission shall be audited yearly by a certified or licensed public accountant and
2 the report of the audit shall be included in and become part of the annual report of
3 the Interstate Commission.

4 ARTICLE XV

5 Member States, Effective Date, and Amendment

- 6 A. Any state is eligible to become a member state.
- 7 B. The compact shall become effective and binding upon legislative enactment of the
8 compact into law by no less than ten (10) of the states. The effective date shall be
9 no earlier than December 1, 2007. Thereafter it shall become effective and binding
10 as to any other member state upon enactment of the compact into law by that state.
11 The governors of non-member states or their designees shall be invited to
12 participate in the activities of the Interstate Commission on a non-voting basis prior
13 to adoption of the compact by all states.
- 14 C. The Interstate Commission may propose amendments to the compact for enactment
15 by the member states. No amendment shall become effective and binding upon the
16 Interstate Commission and the member states unless and until it is enacted into law
17 by unanimous consent of the member states.

18 ARTICLE XVI

19 Withdrawal and Dissolution

- 20 A. Withdrawal:
- 21 1. Once effective, the compact shall continue in force and remain binding upon
22 each and every member state, provided that a member state may withdraw
23 from the compact by specifically repealing the statute which enacted the
24 compact into law.
- 25 2. Withdrawal from this compact shall be by the enactment of a statute repealing
26 the same, but shall not take effect until one (1) year after the effective date of
27 such statute and until written notice of the withdrawal has been given by the

1 withdrawing state to the Governor of each other member state jurisdiction.

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

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

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

14 B. Dissolution of Compact:

15 1. This compact shall dissolve effective upon the date of the withdrawal or
16 default of the member state which reduces the membership in the compact to
17 one (1) member state.

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

22 ARTICLE XVII

23 Severability and Construction

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

27 B. The provisions of this compact shall be liberally construed to effectuate its

1 purposes.

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

4 ARTICLE XVIII

5 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
13 bylaws promulgated by the Interstate Commission, are binding upon the
14 member states.

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

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

21 ➔Section 3. KRS 156.735 is amended to read as follows:

22 (1) Notwithstanding any other statutes to the contrary, students of civilian military
23 employees *and of persons serving in the National Guard and Reserves* shall be
24 afforded the same rights as students of military families under KRS 156.730 if the
25 parents are required to move to perform their job responsibilities resulting in the
26 students having to change schools.

27 (2) As used in this section, "student" means the child of a civilian military employee *or*

1 *National Guard or Reserve personnel* for whom the local education agency
2 receives public funding and who is formally enrolled in kindergarten through
3 twelfth grade.