

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

DRAFT CLR/CLR
SENATE BILL

5 By: Senator E. Williams
6

For An Act To Be Entitled

8 AN ACT TO ADOPT THE INTERSTATE COMPACT ON EDUCATIONAL
9 OPPORTUNITY FOR MILITARY CHILDREN; TO REMOVE BARRIERS
10 TO EDUCATIONAL SUCCESS IMPOSED ON CHILDREN OF
11 MILITARY FAMILIES; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 TO ADOPT THE INTERSTATE COMPACT ON
15 EDUCATIONAL OPPORTUNITY FOR MILITARY
16 CHILDREN AND TO REMOVE BARRIERS TO
17 EDUCATIONAL SUCCESS IMPOSED ON CHILDREN
18 OF MILITARY FAMILIES.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 6, Chapter 27, is amended to add an
25 additional subchapter to read as follows:

26 6-27-201. Title.

27 This subchapter is known and may be cited as the "Interstate Compact on
28 Educational Opportunity for Military Children".
29

30 6-27-202. Adoption of compact.

31 The Interstate Compact on Educational Opportunity for Military Children
32 is enacted into law and entered into with all other jurisdictions legally
33 joining in this compact in the form substantially as follows:

34 Interstate Compact on Educational Opportunity for Military Children

35 ARTICLE I

36 PURPOSE

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

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

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

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

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

16 E. Providing for the adoption and enforcement of administrative rules
17 implementing the provisions of this compact.

18 F. Providing for the uniform collection and sharing of information
19 between and among member states, schools and military families under this
20 compact.

21 G. Promoting coordination between this compact and other compacts
22 affecting military children.

23 H. Promoting flexibility and cooperation between the educational
24 system, parents, and the student in order to achieve educational success for
25 the student.

26 ARTICLE II

27 DEFINITIONS

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

30 A. "Active duty" means: full-time duty status in the active uniformed
31 service of the United States, including members of the National Guard and
32 Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

33 B. "Children of military families" means: a school-aged child(ren),
34 enrolled in Kindergarten through Twelfth (12th) grade, in the household of an
35 active duty member.

36 C. "Compact commissioner" means: the voting representative of each

1 compacting state appointed pursuant to Article VIII of this compact.

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

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

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

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

20 H. "Local education agency" means: a public authority legally
21 constituted by the state as an administrative agency to provide control of and
22 direction for Kindergarten through Twelfth (12th) grade public educational
23 institutions.

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

25 J. "Military installation" means: means a base, camp, post, station,
26 yard, center, homeport facility for any ship, or other activity under the
27 jurisdiction of the Department of Defense, including any leased facility,
28 which is located within any of the several States, the District of Columbia,
29 the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American
30 Samoa, the Northern Marianas Islands and any other U.S. Territory. Such term
31 does not include any facility used primarily for civil works, rivers and
32 harbors projects, or flood control projects.

33 K. "Non-member state" means: a state that has not enacted this
34 compact.

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

1 M. "Rule" means: a written statement by the Interstate Commission
2 promulgated pursuant to Article XII of this compact that is of general
3 applicability, implements, interprets or prescribes a policy or provision of
4 the Compact, or an organizational, procedural, or practice requirement of the
5 Interstate Commission, and has the force and effect of rules promulgated
6 under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or any
7 successor law, and includes the amendment, repeal, or suspension of an
8 existing rule.

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

11 O. "State" means: a state of the United States, the District of
12 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,
13 American Samoa, the Northern Marianas Islands and any other U.S. Territory.

14 P. "Student" means: the child of a military family for whom the local
15 education agency receives public funding and who is formally enrolled in
16 Kindergarten through Twelfth (12th) grade.

17 Q. "Transition" means: 1) the formal and physical process of
18 transferring from school to school or 2) the period of time in which a
19 student moves from one school in the sending state to another school in the
20 receiving state.

21 R. "Uniformed service(s)" means: the Army, Navy, Air Force, Marine
22 Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic
23 and Atmospheric Administration, and Public Health Services.

24 S. "Veteran" means: a person who served in the uniformed services and
25 who was discharged or released there from under conditions other than
26 dishonorable.

27 ARTICLE III

28 APPLICABILITY

29 A. Except as otherwise provided in Section B, this compact shall apply
30 to the children of:

31 1. Active duty members of the uniformed services as defined in
32 this compact, including members of the National Guard and Reserve on active
33 duty orders pursuant to 10 U.S.C. Section 1209 and 1211;

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

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

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

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

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

8 2. Members of the uniformed services now retired, except as
9 provided in Section A;

10 3. Veterans of the uniformed services, except as provided in
11 Section A; and

12 4. Other U.S. Dept. of Defense personnel and other federal
13 agency civilian and contract employees not defined as active duty members of
14 the uniformed services.

15 ARTICLE IV

16 EDUCATIONAL RECORDS AND ENROLLMENT

17 A. Unofficial or "hand-carried" education records – In the event that
18 official education records cannot be released to the parents for the purpose
19 of transfer, the custodian of the records in the sending state shall prepare
20 and furnish to the parent a complete set of unofficial educational records
21 containing uniform information as determined by the Interstate Commission.
22 Upon receipt of the unofficial education records by a school in the receiving
23 state, the school shall enroll and appropriately place the student based on
24 the information provided in the unofficial records pending validation by the
25 official records, as quickly as possible to the extent feasible.

26 B. Official education records/transcripts – Simultaneous with the
27 enrollment and conditional placement of the student, the school in the
28 receiving state shall request the student's official education record from
29 the school in the sending state. Upon receipt of this request, the school in
30 the sending state will process and furnish the official education records to
31 the school in the receiving state within ten (10) days or within such time as
32 is reasonably determined under the rules promulgated by the Interstate
33 Commission.

34 C. Immunizations – Compacting states shall give thirty (30) days from
35 the date of enrollment or within such time as is reasonably determined under
36 the rules promulgated by the Interstate Commission, for students to obtain

1 any immunization(s) required by the receiving state. For a series of
2 immunizations, initial vaccinations must be obtained within thirty (30) days
3 or within such time as is reasonably determined under the rules promulgated
4 by the Interstate Commission.

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

15 ARTICLE V

16 PLACEMENT AND ATTENDANCE

17 A. Course placement – When the student transfers before or during the
18 school year, the receiving state school shall initially honor placement of
19 the student in educational courses based on the student’s enrollment in the
20 sending state school and/or educational assessments conducted at the school
21 in the sending state if the courses are offered and there is space available,
22 as determined by the school district. Course placement includes but is not
23 limited to Honors, International Baccalaureate, Advanced Placement,
24 vocational, technical and career pathways courses. Continuing the student’s
25 academic program from the previous school and promoting placement in
26 academically and career challenging courses should be paramount when
27 considering placement. This does not preclude the school in the receiving
28 state from performing subsequent evaluations to ensure appropriate placement
29 and continued enrollment of the student in the course(s).

30 B. Educational program placement – The receiving state school shall
31 initially honor placement of the student in educational programs based on
32 current educational assessments conducted at the school in the sending state or
33 participation/placement in like programs in the sending state provided that the
34 program exists in the school and there is space available, as determined by the
35 school district. Such programs include, but are not limited to: 1) gifted and
36 talented programs; and 2) English as a second language (ESL).

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

3 C. Special education services.

4 1. In compliance with the federal requirements of the
5 Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400
6 et seq, the receiving state shall initially provide comparable services to a
7 student with disabilities based on his/her current Individualized Education
8 Program (IEP); and

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

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

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

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

31 ARTICLE VI

32 ELIGIBILITY

33 A. Eligibility for enrollment

34 1. Special power of attorney, relative to the guardianship of a
35 child of a military family and executed under applicable law shall be
36 sufficient for the purposes of enrollment and all other actions requiring

1 parental participation and consent.

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

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

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

15 ARTICLE VII

16 GRADUATION

17 In order to facilitate the on-time graduation of children of military
18 families states and local education agencies shall incorporate the following
19 procedures:

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

27 B. Exit exams - States shall accept:

28 1. Exit or end-of-course exams required for graduation from the
29 sending state; or

30 2. National norm-referenced achievement tests; or

31 3. Alternative testing, in lieu of testing requirements for
32 graduation in the receiving state.

33 In the event the above alternatives cannot be accommodated by the
34 receiving state for a student transferring in his or her Senior year, then
35 the provisions of Article VII, Section C shall apply.

36 C. Transfers during Senior year - Should a military student

1 transferring at the beginning or during his or her Senior year be ineligible
2 to graduate from the receiving local education agency after all alternatives
3 have been considered, the sending and receiving local education agencies
4 shall ensure the receipt of a diploma from the sending local education
5 agency, if the student meets the graduation requirements of the sending local
6 education agency. In the event that one of the states in question is not a
7 member of this compact, the member state shall use best efforts to facilitate
8 the on-time graduation of the student in accordance with Sections A and B of
9 this Article.

10 ARTICLE VIII

11 STATE COORDINATION

12 A. Each member state shall, through the creation of a State Council or
13 use of an existing body or board, provide for the coordination among its
14 agencies of government, local education agencies and military installations
15 concerning the state's participation in, and compliance with, this compact
16 and Interstate Commission activities. While each member state may determine
17 the membership of its own State Council, its membership must include at least:
18 the state superintendent of education or his or her designee, superintendent of
19 a school district with a high concentration of military children,
20 representative from a military installation, one representative each from the
21 legislative and executive branches of government, and other offices and
22 stakeholder groups the State Council deems appropriate. A member state that
23 does not have a school district deemed to contain a high concentration of
24 military children may appoint a superintendent from another school district to
25 represent local education agencies on the State Council.

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

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

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

35 ARTICLE IX

36 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

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

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

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

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

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

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

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

23 C. Consist of ex-officio, non-voting representatives who are members
24 of interested organizations. Such ex-officio members, as defined in the
25 bylaws, may include but not be limited to, members of the representative
26 organizations of military family advocates, local education agency officials,
27 parent and teacher groups, the U.S. Department of Defense, the Education
28 Commission of the States, the Interstate Agreement on the Qualification of
29 Educational Personnel and other interstate compacts affecting the education
30 of children of military members.

31 D. Meet at least once each calendar year. The chairperson may call
32 additional meetings and, upon the request of a simple majority of the member
33 states, shall call additional meetings.

34 E. Establish an executive committee, whose members shall include the
35 officers of the Interstate Commission and such other members of the
36 Interstate Commission as determined by the bylaws. Members of the executive

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

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

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

21 1. Relate solely to the Interstate Commission's internal
22 personnel practices and procedures;

23 2. Disclose matters specifically exempted from disclosure by
24 federal and state statute;

25 3. Disclose trade secrets or commercial or financial information
26 that is privileged or confidential;

27 4. Involve accusing a person of a crime, or formally censuring a
28 person;

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

31 6. Disclose investigative records compiled for law enforcement
32 purposes; or

33 7. Specifically relate to the Interstate Commission's
34 participation in a civil action or other legal proceeding.

35 H. For a meeting, or portion of a meeting, closed pursuant to this
36 provision, the Interstate Commission's legal counsel or designee shall

1 certify that the meeting may be closed and shall reference each relevant
2 exemptible provision. The Interstate Commission shall keep minutes that
3 shall fully and clearly describe all matters discussed in a meeting and shall
4 provide a full and accurate summary of actions taken, and the reasons
5 therefore, including a description of the views expressed and the record of a
6 roll call vote. All documents considered in connection with an action shall
7 be identified in such minutes. All minutes and documents of a closed meeting
8 shall remain under seal, subject to release by a majority vote of the
9 Interstate Commission.

10 I. The Interstate Commission shall collect standardized data
11 concerning the educational transition of the children of military families
12 under this compact as directed through its rules that shall specify the data
13 to be collected, the means of collection and data exchange and reporting
14 requirements. Such methods of data collection, exchange and reporting shall,
15 in so far as is reasonably possible, conform to current technology and
16 coordinate its information functions with the appropriate custodian of
17 records as identified in the bylaws and rules.

18 J. The Interstate Commission shall create a process that permits
19 military officials, education officials and parents to inform the Interstate
20 Commission if and when there are alleged violations of the compact or its
21 rules or when issues subject to the jurisdiction of the compact or its rules
22 are not addressed by the state or local education agency. This section shall
23 not be construed to create a private right of action against the Interstate
24 Commission or any member state.

25 ARTICLE X

26 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

27 The Interstate Commission shall have the following powers:

28 A. To provide for dispute resolution among member states.

29 B. To promulgate rules and take all necessary actions to effect the
30 goals, purposes and obligations as enumerated in this compact. The rules
31 shall have the force and effect of rules promulgated under the Arkansas
32 Administrative Procedure Act, § 25-15-201 et seq., or any successor law, and
33 shall be binding in the compact states to the extent and in the manner
34 provided in this compact.

35 C. To issue, upon request of a member state, advisory opinions
36 concerning the meaning or interpretation of the interstate compact, its

1 bylaws, rules and actions.

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

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

7 F. To purchase and maintain insurance and bonds.

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

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

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

18 J. To accept any and all donations and grants of money, equipment,
19 supplies, materials, and services, and to receive, utilize, and dispose of
20 it.

21 K. To lease, purchase, accept contributions or donations of, or
22 otherwise to own, hold, improve or use any property, real, personal, or
23 mixed.

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

26 M. To establish a budget and make expenditures.

27 N. To adopt a seal and bylaws governing the management and operation
28 of the Interstate Commission.

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

34 P. To coordinate education, training and public awareness regarding
35 the compact, its implementation and operation for officials and parents
36 involved in such activity.

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

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

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

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

10 ARTICLE XI

11 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

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

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

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

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

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

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

32 7. Providing "start up" rules for initial administration of the
33 compact.

34 B. The Interstate Commission shall, by a majority of the members,
35 elect annually from among its members a chairperson, a vice-chairperson, and
36 a treasurer, each of whom shall have such authority and duties as may be

1 specified in the bylaws. The chairperson or, in the chairperson's absence or
2 disability, the vice-chairperson, shall preside at all meetings of the
3 Interstate Commission. The officers so elected shall serve without
4 compensation or remuneration from the Interstate Commission; provided that,
5 subject to the availability of budgeted funds, the officers shall be
6 reimbursed for ordinary and necessary costs and expenses incurred by them in
7 the performance of their responsibilities as officers of the Interstate
8 Commission.

9 C. Executive Committee, Officers and Personnel

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

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

14 b. Overseeing an organizational structure within, and
15 appropriate procedures for the Interstate Commission to provide for the
16 creation of rules, operating procedures, and administrative and technical
17 support functions; and

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

21 2. The executive committee may, subject to the approval of the
22 Interstate Commission, appoint or retain an executive director for such
23 period, upon such terms and conditions and for such compensation, as the
24 Interstate Commission may deem appropriate. The executive director shall
25 serve as secretary to the Interstate Commission, but shall not be a Member of
26 the Interstate Commission. The executive director shall hire and supervise
27 such other persons as may be authorized by the Interstate Commission.

28 D. The Interstate Commission's executive director and its employees
29 shall be immune from suit and liability, either personally or in their
30 official capacity, for a claim for damage to or loss of property or personal
31 injury or other civil liability caused or arising out of or relating to an
32 actual or alleged act, error, or omission that occurred, or that such person
33 had a reasonable basis for believing occurred, within the scope of
34 Interstate Commission employment, duties, or responsibilities; provided, that
35 such person shall not be protected from suit or liability for damage, loss,
36 injury, or liability caused by the intentional or willful and wanton

1 misconduct of such person.

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

12 2. The Interstate Commission shall defend the executive director
13 and its employees and, subject to the approval of the Attorney General or
14 other appropriate legal counsel of the member state represented by an
15 Interstate Commission representative, shall defend such Interstate Commission
16 representative in any civil action seeking to impose liability arising out of
17 an actual or alleged act, error or omission that occurred within the scope of
18 Interstate Commission employment, duties or responsibilities, or that the
19 defendant 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
22 or willful and wanton misconduct on the part of such person.

23 3. To the extent not covered by the state involved, member
24 state, or the Interstate Commission, the representatives or employees of the
25 Interstate Commission shall be held harmless in the amount of a settlement or
26 judgment, including attorney's fees and costs, obtained against such persons
27 arising out of an actual or alleged act, error, or omission that occurred
28 within the scope of Interstate Commission employment, duties, or
29 responsibilities, or that such persons had a reasonable basis for believing
30 occurred within the scope of Interstate Commission employment, duties, or
31 responsibilities, provided that the actual or alleged act, error, or omission
32 did not result from intentional or willful and wanton misconduct on the part
33 of such persons.

34 ARTICLE XII

35 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

36 A. Rulemaking Authority – The Interstate Commission shall promulgate

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

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

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

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

24 ARTICLE XIII

25 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

26 A. Oversight

27 1. The executive, legislative and judicial branches of state
28 government in each member state shall enforce this compact and shall take all
29 actions necessary and appropriate to effectuate the compact's purposes and
30 intent.

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

35 3. The Interstate Commission shall be entitled to receive all
36 service of process in any such proceeding, and shall have standing to

1 intervene in the proceeding for all purposes. Failure to provide service of
2 process to the Interstate Commission shall render a judgment or order void as
3 to the Interstate Commission, this compact or promulgated rules.

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

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

13 2. Provide remedial training and specific technical assistance
14 regarding the default.

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

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

27 5. The state that has been suspended or terminated is
28 responsible for all assessments, obligations and liabilities incurred through
29 the effective date of suspension or termination including obligations, the
30 performance of which extends beyond the effective date of suspension or
31 termination.

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

36 7. The defaulting state may appeal the action of the Interstate

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

5 C. Dispute Resolution

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

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

12 D. Enforcement

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

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

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

27 ARTICLE XIV

28 FINANCING OF THE INTERSTATE COMMISSION

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

32 B. The Interstate Commission may levy on and collect an annual
33 assessment from each member state to cover the cost of the operations and
34 activities of the Interstate Commission and its staff that must be in a total
35 amount sufficient to cover the Interstate Commission's annual budget as
36 approved each year. The aggregate annual assessment amount shall be

1 allocated based upon a formula to be determined by the Interstate Commission,
2 which shall promulgate a rule binding upon all member states.

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

7 D. The Interstate Commission shall keep accurate accounts of all
8 receipts and disbursements. The receipts and disbursements of the Interstate
9 Commission shall be subject to the audit and accounting procedures
10 established under its bylaws. However, all receipts and disbursements of
11 funds handled by the Interstate Commission shall be audited yearly by a
12 certified or licensed public accountant and the report of the audit shall be
13 included in and become part of the annual report of the Interstate
14 Commission.

15 ARTICLE XV

16 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

18 B. The compact shall become effective and binding upon legislative
19 enactment of the compact into law by no less than ten (10) of the states.
20 The effective date shall be no earlier than December 1, 2007. Thereafter it
21 shall become effective and binding as to any other member state upon
22 enactment of the compact into law by that state. The governors of non-member
23 states or their designees shall be invited to participate in the activities
24 of the Interstate Commission on a non-voting basis prior to adoption of the
25 compact by all states.

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

30 ARTICLE XVI

31 WITHDRAWAL AND DISSOLUTION

32 A. Withdrawal

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

1 2. Withdrawal from this compact shall be by the enactment of a
2 statute repealing the same, and shall take effect upon the effective date of
3 the repealing statute.

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

9 4. The withdrawing state is responsible for all assessments,
10 obligations and liabilities incurred through the effective date of the
11 repealing statute.

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

15 B. Dissolution of Compact

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

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

23 ARTICLE XVII

24 SEVERABILITY AND CONSTRUCTION

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

28 B. The provisions of this compact shall be liberally construed to
29 effectuate its purposes.

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

32 ARTICLE XVIII

33 BINDING EFFECT OF COMPACT AND OTHER LAWS

34 A. Other Laws. Nothing herein prevents the enforcement of any other
35 law of a member state that is not inconsistent with this compact.

36 B. Binding Effect of the Compact

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

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

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

10
11 6-27-203. Compact Commissioner for Arkansas.

12 (a) Under the compact established under this subchapter, the Compact
13 Commissioner for Arkansas shall be the Commissioner of Education or his or
14 her designee.

15 (b) The Compact Commissioner for Arkansas is responsible for the
16 administration and management of the state participation in the Interstate
17 Compact on Educational Opportunity for Military Children adopted under this
18 subchapter.

19 (c) The Compact Commissioner for Arkansas shall cooperate with all
20 departments, agencies, and officers of and in government of this state as
21 well as all school districts and political subdivisions of this state for the
22 administration of this compact or supplementary agreements entered into by
23 the state.

24
25 6-27-204. Creation of the State Council.

26 (a) There is created the State Council for the Interstate Compact on
27 Educational Opportunity for Military Children to be composed of the following
28 members:

29 (1) The Commissioner of Education or his or her designee,
30 serving as Compact Commissioner for Arkansas as provided under § 6-27-203;

31 (2) The superintendent of the school district with the greatest
32 number of military children from a military installation;

33 (3) One (1) member to be appointed by the President Pro Tempore
34 of the Senate from a list of three (3) nominees submitted by the Executive
35 Director of the Arkansas Education Association;

36 (4) One (1) member to be appointed by the Speaker of the House

1 of Representatives from a list of three (3) nominees submitted by the
2 Executive Director of the Arkansas Association of Educational Administrators;

3 (5) One (1) member appointed by the Governor from a list of
4 three (3) nominees submitted by the Arkansas School Board Association; and

5 (6) A representative from a military installation in Arkansas
6 who will serve as a nonvoting, exofficio member.

7 (b)(1) Each appointed member shall have a background or interest in
8 the education of military children.

9 (2)(A) The terms for the initial appointees to the council shall
10 be staggered as determined by lot with:

11 (i) One (1) member serving a term of three (3)
12 years;

13 (ii) One (1) member serving a term of four (4)
14 years; and

15 (iii) One (1) member serving a term of five (5)
16 years.

17 (B) Each succeeding appointment to the council shall be
18 for a term of five (5) years, but the member appointed shall serve until the
19 member's successor is appointed.

20 (3)(A) If a vacancy occurs in an appointed position for any
21 reason, the vacancy shall be filled by appointment by the official that made
22 the appointment.

23 (B) The new appointee shall serve for the remainder of the
24 unexpired term.

25 (c)(1) The council shall meet at least quarterly or as decided upon by
26 a majority of its members.

27 (2) The council shall conduct its meetings in Pulaski County or
28 via teleconference or web conference as technology becomes available and as
29 desired to allow for scheduling flexibility for its members.

30 (d)(1) A majority of the members of the council shall constitute a
31 quorum for transacting business of the council.

32 (2) All actions of the council shall be by a quorum.

33 (e) The Commissioner of Education or his or her designee serving as
34 Compact Commissioner for Arkansas shall be the chair of the council and be a
35 full-voting member.

36 (f) Appointments to the council shall be for a term of four (4) years.

1 (g) All state agencies, school districts, and political subdivisions
2 of the state shall furnish to the council any information and assistance the
3 council may reasonably request.

4
5 6-27-205. Duties of the State Council.

6 (a) Within thirty (30) days from the date the appointments are
7 initially made, the members of the State Council for the Interstate Compact
8 on Educational Opportunity for Military Children shall appoint a military
9 family education liaison to assist military families and the state in
10 facilitating the implementation of the Interstate Compact on Educational
11 Opportunity for Military Children adopted under this subchapter.

12 (b) The council may promulgate rules for the administration of this
13 subchapter.

14
15 6-27-206. Military family education liaison.

16 (a) The military family education liaison shall be an exofficio member
17 of the State Council for the Interstate Compact on Educational Opportunity
18 for Military Children.

19 (b) The military family education liaison shall have specialized
20 knowledge related to the educational needs of military children and the
21 obstacles that military children face in obtaining an education.

22 (c) The military family education liaison shall serve a term of four
23 (4) years.

24
25 6-27-207. Fees.

26 Under the compact established under this subchapter and using the
27 definitions in the compact:

28 (1) The minimum fee for a member state is two thousand dollars
29 (\$2,000);

30 (2) The maximum fee for each member state is two dollars (\$2.00)
31 per student who is a child of an active duty military family; and

32 (3) The fees paid or owed shall not exceed the amount
33 appropriated for the payment of fees under this compact for each fiscal year
34 by the General Assembly.

35
36 6-27-208. Immunity not affected.

1 (a) This subchapter shall not affect the immunity from suit granted to
 2 state officials and employees under § 19-10-305 or to the state and its
 3 official agencies under Ark. Const., Art. 5, § 20.

4 (b) The exercise of the powers and performance of duties provided for
 5 in this chapter by the Compact Commissioner for Arkansas, the State Council
 6 for Arkansas, and the military family education liaison for Arkansas and its
 7 officers, agents, and employees are declared to be public and governmental
 8 functions, exercised for a public purpose and matters of public necessity,
 9 conferring upon each authority governmental immunity from suit in tort.

10
 11 SECTION 2. Arkansas Code Title 6, Chapter 27, Subchapter 1 is
 12 repealed.

13 ~~6-27-101. Findings.~~

14 ~~The General Assembly finds that:~~

15 ~~(1) Access to education is challenging for a child of a military~~
 16 ~~family due to frequent moves and deployment of his or her parents;~~

17 ~~(2) A child of a military family encounters difficulties due to~~
 18 ~~the transfer of education records and variations in entrance and age~~
 19 ~~requirements;~~

20 ~~(3) The student placement process should aid a child of a~~
 21 ~~military family in attendance requirements, scheduling, sequencing, grading,~~
 22 ~~course content, and assessment;~~

23 ~~(4) Qualification and eligibility guidelines should be~~
 24 ~~consistent so that a child of a military family may continue his or her~~
 25 ~~educational experience;~~

26 ~~(5) On-time graduation of a child of a military family is~~
 27 ~~necessary and possible;~~

28 ~~(6) The uniform collection and sharing of information between~~
 29 ~~states, schools, and military families will enable a smooth transition and~~
 30 ~~successful matriculation for the student; and~~

31 ~~(7) Flexibility and cooperation between the educational system,~~
 32 ~~the parent, and the student are essential to the academic success of a child~~
 33 ~~of a military family.~~

34
 35 ~~6-27-102. Definitions.~~

36 ~~As used in this chapter:~~

1 ~~(1) "Active duty" means full time duty status in the active~~
2 ~~uniformed service of the United States, including members of the National~~
3 ~~Guard and Reserve on active duty orders pursuant to 10 U.S.C. § 12301 et seq.~~
4 ~~and 10 U.S.C. § 12401 et seq. as they existed on January 29, 2009;~~

5 ~~(2) "Child of a military family" means a school aged child in~~
6 ~~the household of a person on active duty who is enrolled in kindergarten~~
7 ~~through grade twelve (K-12);~~

8 ~~(3) "Deployment" means the period one (1) month before departure~~
9 ~~of the person on active duty from his or her home station on military orders~~
10 ~~through six (6) months after return to his or her home station;~~

11 ~~(4) "Education" records means the official records, files, and~~
12 ~~data maintained by the local education agency and kept in the student's~~
13 ~~cumulative folder, including general identifying data, records of attendance~~
14 ~~and academic work completed, records of achievement, and results of~~
15 ~~evaluative tests, health data, disciplinary status, test protocols, and~~
16 ~~individualized education programs;~~

17 ~~(5) "Extracurricular activities" means voluntary activities~~
18 ~~sponsored by the school, local education agency, or an organization~~
19 ~~sanctioned by the local education agency, including preparation for and~~
20 ~~involvement in public performances, contests, athletic competitions,~~
21 ~~demonstrations, displays, and club activities;~~

22 ~~(6) "Local education agency" means a public authority legally~~
23 ~~recognized by the state as an administrative agency to provide control and~~
24 ~~direction for kindergarten through grade twelve (K-12) public education;~~

25 ~~(7) "Receiving school" means the school in a state to which a~~
26 ~~child of a military family is sent, brought, or caused to be sent or brought;~~

27 ~~(8) "Sending school" means the school in a state from which a~~
28 ~~child of a military family is sent, brought, or caused to be sent or brought;~~

29 ~~(9) "State" means a state of the United States, the District of~~
30 ~~Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands,~~
31 ~~Guam, American Samoa, the Commonwealth of Northern Marianas Islands, and any~~
32 ~~other United States territory;~~

33 ~~(10) "Student" means the child of a military family enrolled in~~
34 ~~kindergarten through grade twelve (K-12);~~

35 ~~(11) "Transition" means:~~

36 ~~(A) The formal and physical process of transferring from~~

1 ~~the sending school to the receiving school; or~~

2 ~~(B) The period of time in which a student moves from the~~
 3 ~~sending school in a state to a receiving school in a state;~~

4 ~~(12) "Uniformed services" means the United States Army, Navy,~~
 5 ~~Air Force, Marine Corps, and Coast Guard; and~~

6 ~~(13) "Veteran" means a person who served in the uniformed~~
 7 ~~services and who was discharged or released under conditions other than~~
 8 ~~dishonorable.~~

9
 10 ~~6-27-103. Applicability.~~

11 ~~(a)(1) This chapter shall apply to a child of:~~

12 ~~(A) An active duty member of the uniformed services,~~
 13 ~~including a member of the National Guard and Reserve;~~

14 ~~(B) A member of the uniformed services who is severely~~
 15 ~~injured and medically discharged;~~

16 ~~(C) A member of the uniformed services who is severely~~
 17 ~~injured and retired; and~~

18 ~~(D) A member of the uniformed services who dies on active~~
 19 ~~duty or as a result of injuries sustained on active duty.~~

20 ~~(2) This chapter shall apply to a child under subdivisions~~
 21 ~~(a)(1)(B)-(D) of this section for a period of one (1) year after the medical~~
 22 ~~discharge, retirement, or death of the member of the uniformed services.~~

23 ~~(b) This chapter shall not apply to a child of:~~

24 ~~(1) An inactive member of the National Guard and Reserve;~~

25 ~~(2) A retired member of the uniformed services, except as~~
 26 ~~provided in subsection (a) of this section;~~

27 ~~(3) A veteran of the uniformed services, except as provided in~~
 28 ~~subsection (a) of this section; and~~

29 ~~(4) Any other United States Department of Defense personnel or~~
 30 ~~any other federal agency civilian and contract employee not defined as an~~
 31 ~~active duty member of the uniformed services.~~

32 ~~(c) This chapter shall apply only to local education agencies as~~
 33 ~~defined in this chapter.~~

34
 35 ~~6-27-104. Receiving school—Education records.~~

36 ~~(a) To satisfy records requirements upon a student's enrollment at a~~

1 ~~receiving school, a receiving school shall accept a student's:~~

2 ~~(1) Official education record; or~~

3 ~~(2) Unofficial education record, if the official education~~
4 ~~record is unavailable at the time of enrollment.~~

5 ~~(b) Upon receipt of the unofficial education record by a receiving~~
6 ~~school, the receiving school shall enroll and appropriately place the student~~
7 ~~based on the information provided in the unofficial record pending validation~~
8 ~~by the official education records.~~

9 ~~(c) Simultaneous with the enrollment and conditional placement of the~~
10 ~~student submitting an unofficial education record, the receiving school shall~~
11 ~~request and work to obtain the student's official education record from the~~
12 ~~sending school.~~

13
14 ~~6-27-105. Receiving school—Required immunizations.~~

15 ~~The receiving school shall allow thirty (30) days from the date of~~
16 ~~enrollment or within such time as is reasonably determined under the rules~~
17 ~~promulgated by the Department of Education for the student to:~~

18 ~~(1) Obtain required immunizations; or~~

19 ~~(2)(A) Receive an initial required immunization in a series of~~
20 ~~required immunizations.~~

21 ~~(B) However, the student shall obtain the entirety of his~~
22 ~~or her required immunizations within twelve (12) months from the date of~~
23 ~~enrollment.~~

24
25 ~~6-27-106. Receiving school—Course or program placement.~~

26 ~~(a) A receiving school shall initially place the student in the~~
27 ~~equivalent grade, course, or program, including special education, until~~
28 ~~appropriate evaluations are performed by the receiving school to ensure~~
29 ~~appropriate placement based on education assessments conducted at the sending~~
30 ~~school including:~~

31 ~~(1) Gifted and talented;~~

32 ~~(2) English as a second language;~~

33 ~~(3) Honors;~~

34 ~~(4) International baccalaureate;~~

35 ~~(5) Advanced placement; and~~

36 ~~(6) Vocational, technical, and career pathways courses.~~

1 ~~(b) A home schooled student shall be placed according to the process~~
2 ~~outlined in § 6-15-501 et seq. for placement of a home schooled student in a~~
3 ~~public school.~~

4 ~~(c) The local education agency may waive course and program~~
5 ~~prerequisites or other preconditions for placement in courses or programs~~
6 ~~offered in the jurisdiction of the local education agency.~~

7
8 ~~6-27-107. Receiving school—Grade placement.~~

9 ~~A receiving school shall allow a student, regardless of age, to:~~

10 ~~(1) Continue enrollment at the grade level in the receiving~~
11 ~~school commensurate with the grade level, including kindergarten, in the~~
12 ~~sending school at the time of transition; or~~

13 ~~(2) Enroll in the next highest grade if the student~~
14 ~~satisfactorily completed the prerequisite grade level at the sending school.~~

15
16 ~~6-27-108. Receiving school—Special education services.~~

17 ~~(a) A receiving school shall initially provide comparable services to~~
18 ~~a student with disabilities based on his or her current individualized~~
19 ~~education plan as required by the Individuals with Disabilities Education Act~~
20 ~~(IDEA), 20 U.S.C. § 1400 et seq., as it existed on February 1, 2009.~~

21 ~~(b) A receiving school shall make reasonable accommodations and~~
22 ~~modifications to address the needs of incoming students with disabilities,~~
23 ~~subject to an existing 504 or Title II plan, to provide the student with~~
24 ~~equal access to education as required by Section 504 of the Rehabilitation~~
25 ~~Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities~~
26 ~~Act, 42 U.S.C. §§ 12131-12165, as they existed on February 1, 2009.~~

27
28 ~~6-27-109. Receiving school—Student transfer in grade twelve.~~

29 ~~To facilitate the on-time graduation of a child of a military family~~
30 ~~transferring in grade twelve (12), a receiving school shall:~~

31 ~~(1)(A) Waive specific courses required for graduation if similar~~
32 ~~course work has been satisfactorily completed at a sending school or shall~~
33 ~~provide reasonable justification for denial.~~

34 ~~(B) If a waiver is not granted to a student who would~~
35 ~~qualify to graduate from the sending school, the local education agency shall~~
36 ~~provide an alternative means of completing required coursework so that~~

1 ~~graduation may occur on time;~~

2 ~~(2) Accept exit exams, end of course exams, or alternative~~
3 ~~testing required for graduation from the sending school in lieu of testing~~
4 ~~requirements for graduation in the receiving school; and~~

5 ~~(3)(A) Work with the sending school if the student transferring~~
6 ~~at the beginning or during grade twelve (12) is ineligible to graduate from~~
7 ~~the receiving school after all alternatives have been considered to ensure~~
8 ~~the receipt of a diploma from the sending school if the student meets the~~
9 ~~graduation requirements of the sending school.~~

10 ~~(B) If the sending school fails to issue a diploma, the~~
11 ~~receiving school shall use best efforts to facilitate the on-time graduation~~
12 ~~of the student in accordance with subdivisions (1) and (2) of this section.~~

13
14 ~~6-27-110. Sending school—Education records.~~

15 ~~(a) The sending school shall prepare and furnish to the parent of a~~
16 ~~student leaving the school:~~

17 ~~(1) Official education records; or~~

18 ~~(2) Unofficial education records, if official records cannot be~~
19 ~~released to the parent for the purpose of transfer.~~

20 ~~(b) The sending school shall process and furnish the official~~
21 ~~education records to the receiving school within ten (10) days of receiving a~~
22 ~~request from the receiving school.~~

23
24 ~~6-27-111. Sending school—Student transfer in grade twelve.~~

25 ~~A sending school shall work with the receiving school to facilitate the~~
26 ~~on-time graduation of the student transferring at the beginning or during~~
27 ~~grade twelve (12) if the student is ineligible to graduate from the receiving~~
28 ~~school and ensure the receipt of a diploma from the sending school if the~~
29 ~~student meets the graduation requirements of the sending school.~~

30
31 ~~6-27-112. Authorization for enrollment.~~

32 ~~(a) A special power of attorney, relative to the guardianship of a~~
33 ~~child of a military family and executed under applicable law, shall be~~
34 ~~sufficient for enrollment and for all other actions requiring parental~~
35 ~~participation and consent if the parent is not available.~~

36 ~~(b)(1) A student placed in the care of a noncustodial parent or other~~

1 ~~person standing in loco parentis who lives in a jurisdiction other than that~~
2 ~~of the custodial parent may continue to attend the school in which he or she~~
3 ~~was enrolled while residing with the custodial parent.~~

4 ~~(2) The cost of transporting the student to and from school~~
5 ~~shall be the responsibility of the student if the student resides outside the~~
6 ~~school district in which he or she attends school.~~

7 ~~(c) State and local education agencies shall facilitate the~~
8 ~~opportunity for student inclusion in extracurricular activities, regardless~~
9 ~~of application deadlines, to the extent the student is otherwise qualified.~~

10
11 ~~6-27-113. Absence due to military deployment.~~

12 ~~A student shall be granted additional absences at the discretion of the~~
13 ~~local educational agency superintendent to visit with his or her parent or~~
14 ~~legal guardian if the parent or legal guardian is a member of the uniformed~~
15 ~~services and has:~~

16 ~~(1) Been called to active duty or is on leave from active duty;~~

17 ~~or~~

18 ~~(2) Returned from deployment to a combat zone or combat support~~
19 ~~posting.~~

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