

## §20109. Interstate Commission on Educational Opportunity for Military Children - Article 9

The member states hereby create the Interstate Commission on Educational Opportunity for Military Children. The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission: [PL 2009, c. 409, §1 (NEW).]

**1. Body corporate.** Is a body corporate and joint agency of the member states and has all the responsibilities, powers and duties set forth in this section and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact; [PL 2009, c. 409, §1 (NEW).]

**2. Voting representative.** Consists of one interstate commission voting representative from each member state who is that state's compact commissioner.

A. Each member state represented at a meeting of the interstate commission is entitled to one vote. [PL 2009, c. 409, §1 (NEW).]

B. A majority of the total member states constitutes a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission. [PL 2009, c. 409, §1 (NEW).]

C. A representative may not delegate a vote to another member state. If the compact commissioner is unable to attend a meeting of the interstate commission, the Governor or state council may delegate voting authority to another person from its state for a specified meeting. [PL 2009, c. 409, §1 (NEW).]

D. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication; [PL 2009, c. 409, §1 (NEW).]

[PL 2009, c. 409, §1 (NEW).]

**3. Ex officio representatives.** Consists of ex officio, nonvoting representatives who are members of interested organizations. These ex officio members, as defined in the bylaws, may include but are not limited to:

A. Members of the representative organizations of military family advocates; [PL 2009, c. 409, §1 (NEW).]

B. Local education agency officials; [PL 2009, c. 409, §1 (NEW).]

C. Parent and teacher groups; [PL 2009, c. 409, §1 (NEW).]

D. The United States Department of Defense; [PL 2009, c. 409, §1 (NEW).]

E. A national education commission dedicated to helping states develop effective policy and practice for public education by providing data, research, analysis and leadership; and [PL 2009, c. 409, §1 (NEW).]

F. Representatives from parties to interstate agreements on qualification of educational personnel and other interstate compacts affecting the education of children of military members; [PL 2009, c. 409, §1 (NEW).]

[PL 2009, c. 409, §1 (NEW).]

**4. Meetings.** Meets at least once each calendar year. The chair may call additional meetings and, upon the request of a simple majority of the member states, must call additional meetings; [PL 2009, c. 409, §1 (NEW).]

**5. Executive committee.** Shall establish an executive committee whose members include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee serve one-year terms. Members of the

executive committee are entitled to one vote each. The executive committee has the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as considered necessary. The United States Department of Defense serves as an ex officio, nonvoting member of the executive committee; [PL 2009, c. 409, §1 (NEW).]

**6. Bylaws; rules.** Shall establish bylaws and rules that provide for conditions and procedures under which the interstate commission makes its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests; [PL 2009, c. 409, §1 (NEW).]

**7. Public notice.** Shall give public notice of all meetings, and all meetings must be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting, or portion of a meeting, when it determines by a 2/3 vote that an open meeting would be likely to:

- A. Relate solely to the interstate commission's internal personnel practices and procedures; [PL 2009, c. 409, §1 (NEW).]
- B. Disclose matters specifically exempted from disclosure by federal and state law; [PL 2009, c. 409, §1 (NEW).]
- C. Disclose trade secrets or commercial or financial information that is privileged or confidential; [PL 2009, c. 409, §1 (NEW).]
- D. Involve accusing a person of a crime or formally censuring a person; [PL 2009, c. 409, §1 (NEW).]
- E. Disclose information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy; [PL 2009, c. 409, §1 (NEW).]
- F. Disclose investigative records compiled for law enforcement purposes; or [PL 2009, c. 409, §1 (NEW).]
- G. Specifically relate to the interstate commission's participation in a civil action or other legal proceeding. [PL 2009, c. 409, §1 (NEW).]

For a meeting, or portion of a meeting, closed pursuant to this subsection, the interstate commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptible provision. The interstate commission shall keep minutes that must fully and clearly describe all matters discussed in a meeting and provide a full and accurate summary of actions taken and the reasons for the actions, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action must be identified in such minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the interstate commission;  
[PL 2009, c. 409, §1 (NEW).]

**8. Data collection.** Shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through the interstate commission's rules, which must specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting must, insofar as is reasonably possible, conform to current technology and coordinate the interstate commission's information functions with the appropriate custodian of records as identified in the bylaws and rules; and  
[PL 2009, c. 409, §1 (NEW).]

**9. Violations.** Shall create a process that permits military officials, education officials and parents to inform the interstate commission if and when there are alleged violations of the compact or the interstate commission's rules or when issues subject to the jurisdiction of the compact or the interstate commission's rules are not addressed by the member state or local education agency. This section may not be construed to create a private right of action against the Interstate Commission or any member state.

[PL 2009, c. 409, §1 (NEW).]

#### SECTION HISTORY

PL 2009, c. 409, §1 (NEW).

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