

SSB 6426 - H AMD 1411

By Representative Darneille

WITHDRAWN 03/07/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The interstate compact on educational
4 opportunity for military children is enacted and entered into by this
5 state with all other states legally joining the compact in the form
6 substantially as follows:

7 ARTICLE I

8 PURPOSE

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

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

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

20 (3) Facilitating the qualification and eligibility for enrollment,
21 educational programs, and participation in extracurricular academic,
22 athletic, and social activities;

23 (4) Facilitating the on-time graduation of children of military
24 families;

25 (5) Providing for the adoption and enforcement of administrative
26 rules implementing the provisions of this compact;

27 (6) Providing for the uniform collection and sharing of information
28 between and among member states, schools, and military families under
29 this compact;

1 (7) Promoting coordination between this compact and other compacts
2 affecting military children; and

3 (8) Promoting flexibility and cooperation between the educational
4 system, parents, and the student in order to achieve educational
5 success for the student.

6 ARTICLE II
7 DEFINITIONS

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

10 (1) "Active duty" means full-time duty status in the active
11 uniformed service of the United States, including members of the
12 National Guard and Reserve on active duty orders pursuant to 10 U.S.C.
13 Secs. 1209 and 1211.

14 (2) "Children of military families" means school-aged children,
15 enrolled in kindergarten through twelfth grade, in the household of an
16 active duty member.

17 (3) "Compact commissioner" means the voting representative of each
18 compacting state appointed pursuant to article VIII of this compact.

19 (4) "Deployment" means the period one month before the service
20 members' departure from their home station on military orders through
21 six months after return to their home station.

22 (5) "Educational records" means those official records, files, and
23 data directly related to a student and maintained by the school or
24 local education agency, including but not limited to records
25 encompassing all the material kept in the student's cumulative folder
26 such as general identifying data, records of attendance and of academic
27 work completed, records of achievement and results of evaluative tests,
28 health data, disciplinary status, test protocols, and individualized
29 education programs.

30 (6) "Extracurricular activities" means voluntary activities
31 sponsored by the school or local education agency or an organization
32 sanctioned by the local education agency. Extracurricular activities
33 include, but are not limited to, preparation for and involvement in
34 public performances, contests, athletic competitions, demonstrations,
35 displays, and club activities.

36 (7) "Interstate commission on educational opportunity for military
37 children" or "interstate commission" means the commission that is
38 created under article IX of this compact.

1 (8) "Local education agency" means a public authority legally
2 constituted by the state as an administrative agency to provide control
3 of and direction for kindergarten through twelfth grade public
4 educational institutions.

5 (9) "Member state" means a state that has enacted this compact.

6 (10) "Military installation" means a base, camp, post, station,
7 yard, center, homeport facility for any ship, or other activity under
8 the jurisdiction of the United States department of defense, including
9 any leased facility that is located within any of the several states,
10 the District of Columbia, the Commonwealth of Puerto Rico, the United
11 States Virgin Islands, Guam, American Samoa, the Northern Marianas
12 Islands, and any other United States territory. The term does not
13 include any facility used primarily for civil works, rivers and harbors
14 projects, or flood control projects.

15 (11) "Nonmember state" means a state that has not enacted this
16 compact.

17 (12) "Receiving state" means the state to which a child of a
18 military family is sent, brought, or caused to be sent or brought.

19 (13) "Rule" means a written statement by the interstate commission
20 adopted pursuant to article XII of this compact that is of general
21 applicability, implements, interprets, or prescribes a policy or
22 provision of the compact, or an organizational, procedural, or practice
23 requirement of the interstate commission, and has the force and effect
24 of statutory law in a member state, and includes the amendment, repeal,
25 or suspension of an existing rule.

26 (14) "Sending state" means the state from which a child of a
27 military family is sent, brought, or caused to be sent or brought.

28 (15) "State" means a state of the United States, the District of
29 Columbia, the Commonwealth of Puerto Rico, the United States Virgin
30 Islands, Guam, American Samoa, the Northern Marianas Islands, and any
31 other United States Territory.

32 (16) "Student" means the child of a military family for whom the
33 local education agency receives public funding and who is formally
34 enrolled in kindergarten through twelfth grade.

35 (17) "Transition" means (a) the formal and physical process of
36 transferring from school to school or (b) the period of time in which
37 a student moves from one school in the sending state to another school
38 in the receiving state.

1 (18) "Uniformed services" means the army, navy, air force, marine
2 corps, and coast guard, as well as the commissioned corps of the
3 national oceanic and atmospheric administration, and public health
4 services.

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

8 ARTICLE III
9 APPLICABILITY

10 (1) Except as otherwise provided in this article, this compact
11 shall apply to the children of:

12 (a) Active duty members of the uniformed services as defined in
13 this compact, including members of the national guard and reserve on
14 active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211;

15 (b) Members or veterans of the uniformed services who are severely
16 injured and medically discharged or retired for a period of one year
17 after medical discharge or retirement; and

18 (c) Members of the uniformed services who die on active duty or as
19 a result of injuries sustained on active duty for a period of one year
20 after death.

21 (2) The provisions of this interstate compact shall only apply to
22 local education agencies as defined in this compact.

23 (3) The provisions of this compact shall not apply to the children
24 of:

25 (a) Inactive members of the national guard and military reserves;

26 (b) Members of the uniformed services now retired, except as
27 provided in subsection (1) of this article;

28 (c) Veterans of the uniformed services, except as provided in
29 subsection (1) of this article; and

30 (d) Other United States department of defense personnel and other
31 federal agency civilian and contract employees not defined as active
32 duty members of the uniformed services.

33 ARTICLE IV
34 EDUCATIONAL RECORDS AND ENROLLMENT

35 (1) Unofficial or hand-carried education records. In the event
36 that official educational records cannot be released to the parents for
37 the purpose of transfer, the custodian of the records in the sending

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

8 (2) Official educational records and transcripts. Simultaneous
9 with the enrollment and conditional placement of the student, the
10 school in the receiving state shall request the student's official
11 educational record from the school in the sending state. Upon receipt
12 of this request, the school in the sending state must process and
13 furnish the official educational records to the school in the receiving
14 state within ten days or within such time as is reasonably determined
15 under the rules adopted by the interstate commission.

16 (3) Immunizations. Compacting states shall give thirty days from
17 the date of enrollment or within such time as is reasonably determined
18 under the rules adopted by the interstate commission for students to
19 obtain any immunizations required by the receiving state. For a series
20 of immunizations, initial vaccinations must be obtained within thirty
21 days or within such time as is reasonably determined under the rules
22 adopted by the interstate commission.

23 (4) Kindergarten and first grade entrance age. Students shall be
24 allowed to continue their enrollment at grade level in the receiving
25 state commensurate with their grade level, including kindergarten, from
26 a local education agency in the sending state at the time of
27 transition, regardless of age. A student who has satisfactorily
28 completed the prerequisite grade level in the local education agency in
29 the sending state shall be eligible for enrollment in the next highest
30 grade level in the receiving state, regardless of age. A student
31 transferring after the start of the school year in the receiving state
32 shall enter the school in the receiving state on his or her validated
33 level from an accredited school in the sending state.

34 ARTICLE V

35 PLACEMENT AND ATTENDANCE

36 (1) Course placement. When the student transfers before or during
37 the school year, the receiving state school shall initially honor
38 placement of the student in educational courses based on the student's

1 enrollment in the sending state school and educational assessments
2 conducted at the school in the sending state if the courses are
3 offered. Course placement includes but is not limited to honors,
4 international baccalaureate, advanced placement, vocational, technical,
5 and career pathways courses. Continuing the student's academic program
6 from the previous school and promoting placement in academically and
7 career challenging courses should be paramount when considering
8 placement. Schools shall conduct immediate and subsequent evaluations
9 to ensure appropriate placement in the best interest of the child's
10 educational advancement.

11 (2) Educational program placement. The receiving state school
12 shall initially honor placement of the student in educational programs
13 based on current educational assessments conducted at the school in the
14 sending state or participation and placement in like programs in the
15 sending state. Such programs include, but are not limited to: (a)
16 Gifted and talented programs; and (b) English as a second language
17 (ESL). Schools shall conduct immediate and subsequent evaluations to
18 ensure appropriate placement in the best interest of the child's
19 educational advancement.

20 (3) Special education services. (a) In compliance with the federal
21 requirements of the individuals with disabilities education act (IDEA),
22 20 U.S.C.A. Sec. 1400 et seq., the receiving state shall initially
23 provide comparable services to a student with disabilities based on his
24 or her current individualized education program (IEP); and (b) in
25 compliance with the requirements of section 504 of the federal
26 rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the
27 Americans with disabilities act, 42 U.S.C. Secs. 12131 through 12165,
28 the receiving state shall make reasonable accommodations and
29 modifications to address the needs of incoming students with
30 disabilities, subject to an existing 504 or Title II plan, to provide
31 the student with equal access to education. Schools shall conduct
32 immediate and subsequent evaluations to ensure appropriate placement in
33 the best interest of the child's educational advancement.

34 (4) Placement flexibility. Local education agency administrative
35 officials shall have flexibility in waiving course and program
36 prerequisites, or other preconditions for placement in courses and
37 programs offered under the jurisdiction of the local education agency.

1 (5) Absence as related to deployment activities. A student whose
2 parent or legal guardian is an active duty member of the uniformed
3 services, as defined by this compact, and has been called to duty for,
4 is on leave from, or immediately returned from deployment to a combat
5 zone or combat support posting, shall be granted additional excused
6 absences at the discretion of the local education agency superintendent
7 to visit with his or her parent or legal guardian relative to such
8 leave or deployment of the parent or guardian.

9 ARTICLE VI
10 ELIGIBILITY

11 (1) Eligibility for enrollment.

12 (a) Special power of attorney, relative to the guardianship of a
13 child of a military family and executed under applicable law, shall be
14 sufficient for the purposes of enrollment and all other actions
15 requiring parental participation and consent.

16 (b) A local education agency shall be prohibited from charging
17 local tuition to a transitioning military child placed in the care of
18 a noncustodial parent or other person standing in loco parentis who
19 lives in a jurisdiction other than that of the custodial parent.

20 (c) A transitioning military child, placed in the care of a
21 noncustodial parent or other person standing in loco parentis who lives
22 in a jurisdiction other than that of the custodial parent, may continue
23 to attend the school in which he or she was enrolled while residing
24 with the custodial parent.

25 (2) Eligibility for extracurricular participation. State and local
26 education agencies shall facilitate the opportunity for transitioning
27 military children's inclusion in extracurricular activities, regardless
28 of application deadlines, to the extent they are otherwise qualified.

29 ARTICLE VII
30 GRADUATION

31 In order to facilitate the on-time graduation of children of
32 military families, states and local education agencies shall
33 incorporate the following procedures:

34 (1) Waiver requirements. Local education agency administrative
35 officials shall waive specific courses required for graduation if
36 similar coursework has been satisfactorily completed in another local
37 education agency or shall provide reasonable justification for denial.

1 Should a waiver not be granted to a student who would qualify to
2 graduate from the sending school, the local education agency shall
3 provide an alternative means of acquiring required coursework so that
4 graduation may occur on time.

5 (2) Exit exams. States shall accept: (a) Exit or end-of-course
6 exams required for graduation from the sending state; or (b) national
7 norm-referenced achievement tests; or (c) alternative testing, in lieu
8 of testing requirements for graduation in the receiving state. In the
9 event the alternatives in this subsection (2) cannot be accommodated by
10 the receiving state for a student transferring in his or her senior
11 year, then the provisions of subsection (3) of this article shall
12 apply.

13 (3) Transfers during senior year. Should a military student
14 transferring at the beginning or during his or her senior year be
15 ineligible to graduate from the receiving local education agency after
16 all alternatives have been considered, the sending and receiving local
17 education agencies shall ensure the receipt of a diploma from the
18 sending local education agency, if the student meets the graduation
19 requirements of the sending local education agency. In the event that
20 one of the states in question is not a member of this compact, the
21 member state shall use best efforts to facilitate the on-time
22 graduation of the student in accordance with subsections (1) and (2) of
23 this article.

24 ARTICLE VIII

25 STATE COORDINATION

26 (1) Each member state shall, through the creation of a state
27 council or use of an existing body or board, provide for the
28 coordination among its agencies of government, local education
29 agencies, and military installations concerning the state's
30 participation in, and compliance with, this compact and interstate
31 commission activities. While each member state may determine the
32 membership of its own state council, its membership must include at
33 least: The superintendent of public instruction, the superintendent of
34 a school district with a high concentration of military children, a
35 representative from a military installation, one representative from
36 each of the two major caucuses of the senate, one representative from
37 each of the two major caucuses of the house of representatives, one
38 representative from the executive branch of government, and other

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

6 (2) The state council of each member state shall appoint or
7 designate a military family education liaison to assist military
8 families and the state in facilitating the implementation of this
9 compact.

10 (3) The compact commissioner responsible for the administration and
11 management of the state's participation in this compact shall be
12 appointed by the governor or as otherwise determined by each member
13 state.

14 (4) The compact commissioner and the military family education
15 liaison designated under this article shall be ex officio members of
16 the state council, unless either is already a full voting member of the
17 state council.

18 ARTICLE IX

19 INTERSTATE COMMISSION ON EDUCATIONAL 20 OPPORTUNITY FOR MILITARY CHILDREN

21 The member states hereby create the "interstate commission on
22 educational opportunity for military children." The activities of the
23 interstate commission are the formation of public policy and are a
24 discretionary state function. The interstate commission shall be as
25 provided in this article.

26 (1) The interstate commission shall be a body corporate and joint
27 agency of the member states and shall have all the responsibilities,
28 powers, and duties set forth in this article, and such additional
29 powers as may be conferred upon it by a subsequent concurrent action of
30 the respective legislatures of the member states in accordance with the
31 terms of this compact.

32 (2) The interstate commission shall consist of one interstate
33 commission voting representative from each member state who shall be
34 that state's compact commissioner.

35 (a) Each member state represented at a meeting of the interstate
36 commission is entitled to one vote.

37 (b) A majority of the total member states shall constitute a quorum

1 for the transaction of business, unless a larger quorum is required by
2 the bylaws of the interstate commission.

3 (c) A representative shall not delegate a vote to another member
4 state. In the event the compact commissioner is unable to attend a
5 meeting of the interstate commission, the governor or state council may
6 delegate voting authority to another person from their state for a
7 specified meeting.

8 (d) The bylaws may provide for meetings of the interstate
9 commission to be conducted by telecommunication or electronic
10 communication.

11 (3) The interstate commission shall consist of ex officio,
12 nonvoting representatives who are members of interested organizations.
13 Such ex officio members, as defined in the bylaws, may include, but not
14 be limited to, members of the representative organizations of military
15 family advocates, local education agency officials, parent and teacher
16 groups, the United States department of defense, the education
17 commission of the states, the interstate agreement on the qualification
18 of educational personnel, and other interstate compacts affecting the
19 education of children of military members.

20 (4) The interstate commission shall meet at least once each
21 calendar year. The chairperson may call additional meetings and, upon
22 the request of a simple majority of the member states, shall call
23 additional meetings.

24 (5) The interstate commission shall establish an executive
25 committee, whose members shall include the officers of the interstate
26 commission and such other members of the interstate commission as
27 determined by the bylaws. Members of the executive committee shall
28 serve a one-year term. Members of the executive committee shall be
29 entitled to one vote each. The executive committee shall have the
30 power to act on behalf of the interstate commission, with the exception
31 of rule making, during periods when the interstate commission is not in
32 session. The executive committee shall oversee the day-to-day
33 activities of the administration of the compact including enforcement
34 and compliance with the provisions of the compact, its bylaws and
35 rules, and other such duties as deemed necessary. The United States
36 department of defense shall serve as an ex officio, nonvoting member of
37 the executive committee.

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

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

14 (a) Relate solely to the interstate commission's internal personnel
15 practices and procedures;

16 (b) Disclose matters specifically exempted from disclosure by
17 federal and state statute;

18 (c) Disclose trade secrets or commercial or financial information
19 that is privileged or confidential;

20 (d) Involve accusing a person of a crime, or formally censuring a
21 person;

22 (e) Disclose information of a personal nature where disclosure
23 would constitute a clearly unwarranted invasion of personal privacy;

24 (f) Disclose investigative records compiled for law enforcement
25 purposes; or

26 (g) Specifically relate to the interstate commission's
27 participation in a civil action or other legal proceeding.

28 (8) For a meeting, or portion of a meeting, closed pursuant to
29 subsection (7) of this article, the interstate commission's legal
30 counsel or designee shall certify that the meeting may be closed and
31 shall reference each relevant exemptible provision. The interstate
32 commission shall keep minutes that shall fully and clearly describe all
33 matters discussed in a meeting and shall provide a full and accurate
34 summary of actions taken, and the reasons therefore, including a
35 description of the views expressed and the record of a roll call vote.
36 All documents considered in connection with an action shall be
37 identified in such minutes. All minutes and documents of a closed

1 meeting shall remain under seal, subject to release by a majority vote
2 of the interstate commission.

3 (9) The interstate commission shall collect standardized data
4 concerning the educational transition of the children of military
5 families under this compact as directed through its rules that shall
6 specify the data to be collected, the means of collection, and data
7 exchange and reporting requirements. Such methods of data collection,
8 exchange, and reporting shall, insofar as is reasonably possible,
9 conform to current technology and coordinate its information functions
10 with the appropriate custodian of records as identified in the bylaws
11 and rules.

12 (10) The interstate commission shall create a process that permits
13 military officials, education officials, and parents to inform the
14 interstate commission if and when there are alleged violations of this
15 compact or its rules or when issues subject to the jurisdiction of this
16 compact or its rules are not addressed by the state or local education
17 agency. This subsection shall not be construed to create a private
18 right of action against the interstate commission or any member state.

19 ARTICLE X

20 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

21 The interstate commission shall have the following powers:

22 (1) To provide for dispute resolution among member states;

23 (2) To adopt rules and take all necessary actions to effect the
24 goals, purposes, and obligations as enumerated in this compact. The
25 rules shall have the force and effect of statutory law and shall be
26 binding in the compact states to the extent and in the manner provided
27 in this compact;

28 (3) To issue, upon request of a member state, advisory opinions
29 concerning the meaning or interpretation of the interstate compact, its
30 bylaws, rules, and actions;

31 (4) To enforce compliance with the compact provisions, the rules
32 adopted by the interstate commission, and the bylaws, using all
33 necessary and proper means, including but not limited to the use of
34 judicial process;

35 (5) To establish and maintain offices that shall be located within
36 one or more of the member states;

37 (6) To purchase and maintain insurance and bonds;

38 (7) To borrow, accept, hire, or contract for services of personnel;

1 (8) To establish and appoint committees including, but not limited
2 to, an executive committee as required by article IX(3) of this
3 compact, which shall have the power to act on behalf of the interstate
4 commission in carrying out its powers and duties under this compact;

5 (9) To elect or appoint such officers, attorneys, employees,
6 agents, or consultants, and to fix their compensation, define their
7 duties, and determine their qualifications; and to establish the
8 interstate commission's personnel policies and programs relating to
9 conflicts of interest, rates of compensation, and qualifications of
10 personnel;

11 (10) To accept any and all donations and grants of money,
12 equipment, supplies, materials, and services, and to receive, utilize,
13 and dispose of it;

14 (11) To lease, purchase, accept contributions or donations of, or
15 otherwise to own, hold, improve, or use any property, real, personal,
16 or mixed;

17 (12) To sell, convey, mortgage, pledge, lease, exchange, abandon,
18 or otherwise dispose of any property, real, personal, or mixed;

19 (13) To establish a budget and make expenditures;

20 (14) To adopt a seal and bylaws governing the management and
21 operation of the interstate commission;

22 (15) To report annually to the legislatures, governors, judiciary,
23 and state councils of the member states concerning the activities of
24 the interstate commission during the preceding year. Such reports
25 shall also include any recommendations that may have been adopted by
26 the interstate commission;

27 (16) To coordinate education, training, and public awareness
28 regarding the compact, its implementation, and operation for officials
29 and parents involved in such activity;

30 (17) To establish uniform standards for the reporting, collecting,
31 and exchanging of data;

32 (18) To maintain corporate books and records in accordance with the
33 bylaws;

34 (19) To perform such functions as may be necessary or appropriate
35 to achieve the purposes of this compact; and

36 (20) To provide for the uniform collection and sharing of
37 information between and among member states, schools, and military
38 families under this compact.

1 ARTICLE XI

2 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

3 (1) The interstate commission shall, by a majority of the members
4 present and voting, within twelve months after the first interstate
5 commission meeting, adopt bylaws to govern its conduct as may be
6 necessary or appropriate to carry out the purposes of this compact,
7 including, but not limited to:

8 (a) Establishing the fiscal year of the interstate commission;

9 (b) Establishing an executive committee, and such other committees
10 as may be necessary;

11 (c) Providing for the establishment of committees and for governing
12 any general or specific delegation of authority or function of the
13 interstate commission;

14 (d) Providing reasonable procedures for calling and conducting
15 meetings of the interstate commission, and ensuring reasonable notice
16 of each such meeting;

17 (e) Establishing the titles and responsibilities of the officers
18 and staff of the interstate commission;

19 (f) Providing a mechanism for concluding the operations of the
20 interstate commission and the return of surplus funds that may exist
21 upon the termination of this compact after the payment and reserving of
22 all of its debts and obligations; and

23 (g) Providing start-up rules for initial administration of the
24 compact.

25 (2) The interstate commission shall, by a majority of the members,
26 elect annually from among its members a chairperson, a vice-
27 chairperson, and a treasurer, each of whom shall have such authority
28 and duties as may be specified in the bylaws. The chairperson or, in
29 the chairperson's absence or disability, the vice-chairperson, shall
30 preside at all meetings of the interstate commission. The officers so
31 elected shall serve without compensation or remuneration from the
32 interstate commission: PROVIDED, That subject to the availability of
33 budgeted funds, the officers shall be reimbursed for ordinary and
34 necessary costs and expenses incurred by them in the performance of
35 their responsibilities as officers of the interstate commission.

36 (3) Executive committee, officers, and personnel. The executive
37 committee shall have such authority and duties as may be set forth in
38 the bylaws, including but not limited to:

1 (a) Managing the affairs of the interstate commission in a manner
2 consistent with the bylaws and purposes of the interstate commission;

3 (b) Overseeing an organizational structure within, and appropriate
4 procedures for the interstate commission to provide for the creation of
5 rules, operating procedures, and administrative and technical support
6 functions; and

7 (c) Planning, implementing, and coordinating communications and
8 activities with other state, federal, and local government
9 organizations in order to advance the goals of the interstate
10 commission.

11 (4) The executive committee may, subject to the approval of the
12 interstate commission, appoint or retain an executive director for such
13 period, upon such terms and conditions and for such compensation as the
14 interstate commission may deem appropriate. The executive director
15 shall serve as secretary to the interstate commission, but shall not be
16 a member of the interstate commission. The executive director shall
17 hire and supervise such other persons as may be authorized by the
18 interstate commission.

19 (5) The interstate commission's executive director and its
20 employees shall be immune from suit and liability, either personally or
21 in their official capacity, for a claim for damage to or loss of
22 property or personal injury or other civil liability caused or arising
23 out of or relating to an actual or alleged act, error, or omission that
24 occurred, or that such person had a reasonable basis for believing
25 occurred, within the scope of interstate commission employment, duties,
26 or responsibilities: PROVIDED, That such person shall not be protected
27 from suit or liability for damage, loss, injury, or liability caused by
28 the intentional or willful and wanton misconduct of such person.

29 (a) The liability of the interstate commission's executive director
30 and employees or interstate commission representatives, acting within
31 the scope of such person's employment or duties for acts, errors, or
32 omissions occurring within such person's state may not exceed the
33 limits of liability set forth under the constitution and laws of that
34 state for state officials, employees, and agents. The interstate
35 commission is considered to be an instrumentality of the states for the
36 purposes of any such action. This subsection shall not be construed to
37 protect such person from suit or liability for damage, loss, injury, or

1 liability caused by the intentional or willful and wanton misconduct of
2 such person.

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

15 (c) To the extent not covered by the state involved, member state,
16 or the interstate commission, the representatives or employees of the
17 interstate commission shall be held harmless in the amount of a
18 settlement or judgment, including attorneys' fees and costs, obtained
19 against such persons arising out of an actual or alleged act, error, or
20 omission that occurred within the scope of interstate commission
21 employment, duties, or responsibilities, or that such persons had a
22 reasonable basis for believing occurred within the scope of interstate
23 commission employment, duties, or responsibilities: PROVIDED, That the
24 actual or alleged act, error, or omission did not result from
25 intentional or willful and wanton misconduct on the part of such
26 persons.

27 ARTICLE XII

28 RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

29 (1) Rule-making Authority. The interstate commission shall adopt
30 reasonable rules in order to effectively and efficiently achieve the
31 purposes of this compact. Notwithstanding the foregoing, in the event
32 the interstate commission exercises its rule-making authority in a
33 manner that is beyond the scope of the purposes of this compact, or the
34 powers granted in the compact, then such an action by the interstate
35 commission shall be invalid and have no force or effect.

36 (2) Rule-making Procedure. Rules shall be made pursuant to a rule-
37 making process that substantially conforms to the "model state

1 administrative procedure act," of 1981 Act, Uniform Laws Annotated,
2 Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations
3 of the interstate commission.

4 (3) Not later than thirty days after a rule is adopted, any person
5 may file a petition for judicial review of the rule: PROVIDED, That
6 the filing of such a petition shall not stay or otherwise prevent the
7 rule from becoming effective unless the court finds that the petitioner
8 has a substantial likelihood of success. The court shall give
9 deference to the actions of the interstate commission consistent with
10 applicable law and shall not find the rule to be unlawful if the rule
11 represents a reasonable exercise of the interstate commission's
12 authority.

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

17 ARTICLE XIII

18 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

19 (1) Oversight.

20 (a) The executive, legislative, and judicial branches of state
21 government in each member state shall enforce this compact and shall
22 take all actions necessary and appropriate to effectuate the compact's
23 purposes and intent. The provisions of this compact and the rules
24 adopted under it shall have standing as statutory law.

25 (b) All courts shall take judicial notice of the compact and the
26 rules in any judicial or administrative proceeding in a member state
27 pertaining to the subject matter of this compact that may affect the
28 powers, responsibilities, or actions of the interstate commission.

29 (c) The interstate commission shall be entitled to receive all
30 service of process in any such proceeding, and shall have standing to
31 intervene in the proceeding for all purposes. Failure to provide
32 service of process to the interstate commission shall render a judgment
33 or order void as to the interstate commission, this compact, or adopted
34 rules.

35 (2) Default, technical assistance, suspension, and termination. If
36 the interstate commission determines that a member state has defaulted
37 in the performance of its obligations or responsibilities under this
38 compact, or the bylaws or adopted rules:

1 (a) The interstate commission shall provide written notice to the
2 defaulting state and other member states, of the nature of the default,
3 the means of curing the default, and any action taken by the interstate
4 commission. The interstate commission shall specify the conditions by
5 which the defaulting state must cure its default;

6 (b) The interstate commission shall provide remedial training and
7 specific technical assistance regarding the default;

8 (c) If the defaulting state fails to cure the default, the
9 defaulting state shall be terminated from the compact upon an
10 affirmative vote of a majority of the member states and all rights,
11 privileges, and benefits conferred by this compact shall be terminated
12 from the effective date of termination. A cure of the default does not
13 relieve the offending state of obligations or liabilities incurred
14 during the period of the default;

15 (d) Suspension or termination of membership in the compact shall be
16 imposed only after all other means of securing compliance have been
17 exhausted. Notice of intent to suspend or terminate shall be given by
18 the interstate commission to the governor, the majority and minority
19 leaders of the defaulting state's legislature, and each of the member
20 states;

21 (e) The state that has been suspended or terminated is responsible
22 for all assessments, obligations, and liabilities incurred through the
23 effective date of suspension or termination including obligations, the
24 performance of which extends beyond the effective date of suspension or
25 termination;

26 (f) The interstate commission shall not bear any costs relating to
27 any state that has been found to be in default or that has been
28 suspended or terminated from the compact, unless otherwise mutually
29 agreed upon in writing between the interstate commission and the
30 defaulting state;

31 (g) The defaulting state may appeal the action of the interstate
32 commission by petitioning the United States district court for the
33 District of Columbia or the federal district where the interstate
34 commission has its principal offices. The prevailing party shall be
35 awarded all costs of such litigation including reasonable attorneys'
36 fees.

37 (3) Dispute Resolution.

1 (a) The interstate commission shall attempt, upon the request of a
2 member state, to resolve disputes that are subject to the compact and
3 that may arise among member states and between member and nonmember
4 states.

5 (b) The interstate commission shall adopt a rule providing for both
6 mediation and binding dispute resolution for disputes as appropriate.

7 (4) Enforcement.

8 (a) The interstate commission, in the reasonable exercise of its
9 discretion, shall enforce the provisions and rules of this compact.

10 (b) The interstate commission may, by majority vote of the members,
11 initiate legal action in the United States district court for the
12 District of Columbia or, at the discretion of the interstate
13 commission, in the federal district where the interstate commission has
14 its principal offices, to enforce compliance with the provisions of the
15 compact, its adopted rules, and bylaws, against a member state in
16 default. The relief sought may include both injunctive relief and
17 damages. In the event judicial enforcement is necessary the prevailing
18 party shall be awarded all costs of such litigation including
19 reasonable attorneys' fees.

20 (c) The remedies in this compact shall not be the exclusive
21 remedies of the interstate commission. The interstate commission may
22 avail itself of any other remedies available under state law or the
23 regulation of a profession.

24 ARTICLE XIV

25 FINANCING OF THE INTERSTATE COMMISSION

26 (1) The interstate commission shall pay, or provide for the payment
27 of the reasonable expenses of its establishment, organization, and
28 ongoing activities.

29 (2) The interstate commission may levy on and collect an annual
30 assessment from each member state to cover the cost of the operations
31 and activities of the interstate commission and its staff that must be
32 in a total amount sufficient to cover the interstate commission's
33 annual budget as approved each year. The aggregate annual assessment
34 amount shall be allocated based upon a formula to be determined by the
35 interstate commission, which shall adopt a rule binding upon all member
36 states.

37 (3) The interstate commission shall not incur obligations of any

1 kind before securing the funds adequate to meet the same; nor shall the
2 interstate commission pledge the credit of any of the member states,
3 except by and with the authority of the member state.

4 (4) The interstate commission shall keep accurate accounts of all
5 receipts and disbursements. The receipts and disbursements of the
6 interstate commission shall be subject to the audit and accounting
7 procedures established under its bylaws. However, all receipts and
8 disbursements of funds handled by the interstate commission shall be
9 audited yearly by a certified or licensed public accountant and the
10 report of the audit shall be included in and become part of the annual
11 report of the interstate commission.

12 ARTICLE XV

13 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

14 (1) Any state is eligible to become a member state.

15 (2) The compact shall become effective and binding upon legislative
16 enactment of the compact into law by no less than ten of the states.
17 The effective date shall be no earlier than December 1, 2008.
18 Thereafter it shall become effective and binding as to any other member
19 state upon enactment of the compact into law by that state. The
20 governors of nonmember states or their designees shall be invited to
21 participate in the activities of the interstate commission on a
22 nonvoting basis prior to adoption of the compact by all states.

23 (3) The interstate commission may propose amendments to the compact
24 for enactment by the member states. No amendment shall become
25 effective and binding upon the interstate commission and the member
26 states unless and until it is enacted into law by unanimous consent of
27 the member states.

28 ARTICLE XVI

29 WITHDRAWAL AND DISSOLUTION

30 (1) Withdrawal.

31 (a) Once effective, the compact shall continue in force and remain
32 binding upon each and every member state: PROVIDED, That a member
33 state may withdraw from the compact by specifically repealing the
34 statute that enacted the compact into law.

35 (b) Withdrawal from this compact shall be by the enactment of a
36 statute repealing it, but shall not take effect until one year after

1 the effective date of such statute and until written notice of the
2 withdrawal has been given by the withdrawing state to the governor of
3 each other member jurisdiction.

4 (c) The withdrawing state shall immediately notify the chairperson
5 of the interstate commission in writing upon the introduction of
6 legislation repealing this compact in the withdrawing state. The
7 interstate commission shall notify the other member states of the
8 withdrawing state's intent to withdraw within sixty days of its receipt
9 of the notice of intent to withdraw.

10 (d) The withdrawing state is responsible for all assessments,
11 obligations, and liabilities incurred through the effective date of
12 withdrawal, including obligations, the performance of which extend
13 beyond the effective date of withdrawal.

14 (e) Reinstatement following withdrawal of a member state shall
15 occur upon the withdrawing state reenacting the compact or upon such
16 later date as determined by the interstate commission.

17 (2) Dissolution of compact.

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

21 (b) Upon the dissolution of this compact, the compact becomes null
22 and void and shall be of no further force or effect, and the business
23 and affairs of the interstate commission shall be concluded and surplus
24 funds shall be distributed in accordance with the bylaws.

25 ARTICLE XVII

26 SEVERABILITY AND CONSTRUCTION

27 (1) The provisions of this compact shall be severable, and if any
28 phrase, clause, sentence, or provision is deemed unenforceable, the
29 remaining provisions of the compact shall be enforceable.

30 (2) The provisions of this compact shall be liberally construed to
31 effectuate its purposes.

32 (3) Nothing in this compact shall be construed to prohibit the
33 applicability of other interstate compacts to which the states are
34 members.

35 ARTICLE XVIII

36 BINDING EFFECT OF COMPACT AND OTHER LAWS

37 (1) Other Laws.

1 (a) Nothing in this compact prevents the enforcement of any other
2 law of a member state that is not inconsistent with this compact.

3 (b) All member states' laws conflicting with this compact are
4 superseded to the extent of the conflict.

5 (2) Binding effect of the compact.

6 (a) All lawful actions of the interstate commission, including all
7 rules and bylaws adopted by the interstate commission, are binding upon
8 the member states.

9 (b) All agreements between the interstate commission and the member
10 states are binding in accordance with their terms.

11 (c) In the event any provision of this compact exceeds the
12 constitutional limits imposed on the legislature of any member state,
13 such provision shall be ineffective to the extent of the conflict with
14 the constitutional provision in question in that member state.

15 **Sec. 2.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to
16 read as follows:

17 (1) The attendance of every child at every public and private
18 school in the state and licensed day care center shall be conditioned
19 upon the presentation before or on each child's first day of attendance
20 at a particular school or center, of proof of either (a) full
21 immunization, (b) the initiation of and compliance with a schedule of
22 immunization, as required by rules of the state board of health, or (c)
23 a certificate of exemption as provided for in RCW 28A.210.090. The
24 attendance at the school or the day care center during any subsequent
25 school year of a child who has initiated a schedule of immunization
26 shall be conditioned upon the presentation of proof of compliance with
27 the schedule on the child's first day of attendance during the
28 subsequent school year. Once proof of full immunization or proof of
29 completion of an approved schedule has been presented, no further proof
30 shall be required as a condition to attendance at the particular school
31 or center.

32 (2)(a) Beginning with sixth grade entry, every public and private
33 school in the state shall provide parents and guardians with
34 information about meningococcal disease and its vaccine at the
35 beginning of every school year. The information about meningococcal
36 disease shall include:

1 (i) Its causes and symptoms, how meningococcal disease is spread,
2 and the places where parents and guardians may obtain additional
3 information and vaccinations for their children; and

4 (ii) Current recommendations from the United States centers for
5 disease control and prevention regarding the receipt of vaccines for
6 meningococcal disease and where the vaccination can be received.

7 (b) This subsection shall not be construed to require the
8 department of health or the school to provide meningococcal vaccination
9 to students.

10 (c) The department of health shall prepare the informational
11 materials and shall consult with the office of superintendent of public
12 instruction.

13 (d) This subsection does not create a private right of action.

14 (3)(a) Beginning with sixth grade entry, every public school in the
15 state shall provide parents and guardians with information about human
16 papillomavirus disease and its vaccine at the beginning of every school
17 year. The information about human papillomavirus disease shall
18 include:

19 (i) Its causes and symptoms, how human papillomavirus disease is
20 spread, and the places where parents and guardians may obtain
21 additional information and vaccinations for their children; and

22 (ii) Current recommendations from the United States centers for
23 disease control and prevention regarding the receipt of vaccines for
24 human papillomavirus disease and where the vaccination can be received.

25 (b) This subsection shall not be construed to require the
26 department of health or the school to provide human papillomavirus
27 vaccination to students.

28 (c) The department of health shall prepare the informational
29 materials and shall consult with the office of the superintendent of
30 public instruction.

31 (d) This subsection does not create a private right of action.

32 (4) Private schools are required by state law to notify parents
33 that information on the human papillomavirus disease prepared by the
34 department of health is available.

35 (5) This section does not apply to students subject to the
36 interstate compact on educational opportunity for military children,
37 chapter 28A.--- RCW (section 1 of this act).

1 **Sec. 3.** RCW 28A.210.320 and 2006 c 263 s 911 are each amended to
2 read as follows:

3 (1) The attendance of every child at every public school in the
4 state shall be conditioned upon the presentation before or on each
5 child's first day of attendance at a particular school of a medication
6 or treatment order addressing any life-threatening health condition
7 that the child has that may require medical services to be performed at
8 the school. Once such an order has been presented, the child shall be
9 allowed to attend school.

10 (2) The chief administrator of every public school shall prohibit
11 the further presence at the school for any and all purposes of each
12 child for whom a medication or treatment order has not been provided in
13 accordance with this section if the child has a life-threatening health
14 condition that may require medical services to be performed at the
15 school and shall continue to prohibit the child's presence until such
16 order has been provided. The exclusion of a child from a school shall
17 be accomplished in accordance with rules of the state board of
18 education. Before excluding a child, each school shall provide written
19 notice to the parents or legal guardians of each child or to the adults
20 in loco parentis to each child, who is not in compliance with the
21 requirements of this section. The notice shall include, but not be
22 limited to, the following: (a) The requirements established by this
23 section; (b) the fact that the child will be prohibited from further
24 attendance at the school unless this section is complied with; and (c)
25 such procedural due process rights as are established pursuant to this
26 section.

27 (3) The superintendent of public instruction in consultation with
28 the state board of health shall adopt rules under chapter 34.05 RCW
29 that establish the procedural and substantive due process requirements
30 governing the exclusion of children from public schools under this
31 section. The rules shall include any requirements under applicable
32 federal laws.

33 (4) ~~((As used in this section,))~~ This section does not apply to
34 students subject to the interstate compact on educational opportunity
35 for military children, chapter 28A.--- RCW (section 1 of this act).

36 (5) The definitions in this subsection apply throughout this
37 section.

1 (a) "Life-threatening condition" means a health condition that will
2 put the child in danger of death during the school day if a medication
3 or treatment order and a nursing plan are not in place.

4 (~~(5) As used in this section,~~) (b) "Medication or treatment
5 order" means the authority a registered nurse obtains under RCW
6 18.79.260(2).

7 **Sec. 4.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to
8 read as follows:

9 (1) If a parent enrolls a child who is six or seven years of age in
10 a public school, the child is required to attend and that parent has
11 the responsibility to ensure the child attends for the full time that
12 school is in session. An exception shall be made to this requirement
13 for children whose parents formally remove them from enrollment if the
14 child is less than eight years old and a petition has not been filed
15 against the parent under subsection (3) of this section. The
16 requirement to attend school under this subsection does not apply to a
17 child enrolled in a public school part-time for the purpose of
18 receiving ancillary services. A child required to attend school under
19 this subsection may be temporarily excused upon the request of his or
20 her parent for purposes agreed upon by the school district and parent.

21 (2) If a six or seven year-old child is required to attend public
22 school under subsection (1) of this section and that child has
23 unexcused absences, the public school in which the child is enrolled
24 shall:

25 (a) Inform the child's custodial parent, parents, or guardian by a
26 notice in writing or by telephone whenever the child has failed to
27 attend school after one unexcused absence within any month during the
28 current school year;

29 (b) Request a conference or conferences with the custodial parent,
30 parents, or guardian and child at a time reasonably convenient for all
31 persons included for the purpose of analyzing the causes of the child's
32 absences after two unexcused absences within any month during the
33 current school year. If a regularly scheduled parent-teacher
34 conference day is to take place within thirty days of the second
35 unexcused absence, then the school district may schedule this
36 conference on that day; and

1 (c) Take steps to eliminate or reduce the child's absences. These
2 steps shall include, where appropriate, adjusting the child's school
3 program or school or course assignment, providing more individualized
4 or remedial instruction, offering assistance in enrolling the child in
5 available alternative schools or programs, or assisting the parent or
6 child to obtain supplementary services that may help eliminate or
7 ameliorate the cause or causes for the absence from school.

8 (3) If a child required to attend public school under subsection
9 (1) of this section has seven unexcused absences in a month or ten
10 unexcused absences in a school year, the school district shall file a
11 petition for civil action as provided in RCW 28A.225.035 against the
12 parent of the child.

13 (4) This section does not require a six or seven year old child to
14 enroll in a public or private school or to receive home-based
15 instruction. This section only applies to six or seven year old
16 children whose parents enroll them full time in public school and do
17 not formally remove them from enrollment as provided in subsection (1)
18 of this section.

19 (5) This section does not apply to students subject to the
20 interstate compact on educational opportunity for military children,
21 chapter 28A.--- RCW (section 1 of this act), to the extent that this
22 section conflicts with that chapter.

23 **Sec. 5.** RCW 28A.225.160 and 2006 c 263 s 703 are each amended to
24 read as follows:

25 Except as otherwise provided by law, it is the general policy of
26 the state that the common schools shall be open to the admission of all
27 persons who are five years of age and less than twenty-one years
28 residing in that school district. Except as otherwise provided by law
29 ~~((or))~~, in rules adopted by the superintendent of public instruction,
30 or as provided in the interstate compact on educational opportunity for
31 military children, chapter 28A.--- RCW (section 1 of this act),
32 districts may establish uniform entry qualifications, including but not
33 limited to birth date requirements, for admission to kindergarten and
34 first grade programs of the common schools. Such rules may provide for
35 exceptions based upon the ability, or the need, or both, of an
36 individual student and shall also comply with the requirements of
37 chapter 28A.--- RCW (section 1 of this act). For the purpose of

1 complying with any rule adopted by the superintendent of public
2 instruction that authorizes a preadmission screening process as a
3 prerequisite to granting exceptions to the uniform entry
4 qualifications, a school district may collect fees to cover expenses
5 incurred in the administration of any preadmission screening process:
6 PROVIDED, That in so establishing such fee or fees, the district shall
7 adopt regulations for waiving and reducing such fees in the cases of
8 those persons whose families, by reason of their low income, would have
9 difficulty in paying the entire amount of such fees.

10 **Sec. 6.** RCW 28A.225.210 and 1990 c 33 s 235 are each amended to
11 read as follows:

12 Every school district shall admit on a tuition free basis all
13 persons of school age who reside within this state, and do not reside
14 within another school district carrying the grades for which they are
15 eligible to enroll(~~(:—PROVIDED, That nothing in~~)); and all persons of
16 school age who are subject to the interstate compact on educational
17 opportunity for military children, chapter 28A.--- RCW (section 1 of
18 this act). This section shall not be construed as affecting RCW
19 28A.225.220 or 28A.225.250.

20 **Sec. 7.** RCW 28A.225.225 and 2003 c 36 s 1 are each amended to read
21 as follows:

22 (1) Except for students who reside out-of-state, a district shall
23 accept applications from nonresident students who are the children of
24 full-time certificated and classified school employees, and those
25 children shall be permitted to enroll:

26 (a) At the school to which the employee is assigned; or

27 (b) At a school forming the district's K through 12 continuum which
28 includes the school to which the employee is assigned.

29 (2) A district may reject applications under this section if:

30 (a) The student's disciplinary records indicate a history of
31 convictions for offenses or crimes, violent or disruptive behavior, or
32 gang membership;

33 (b) The student has been expelled or suspended from a public school
34 for more than ten consecutive days. Any policy allowing for
35 readmission of expelled or suspended students under this subsection

1 (2)(b) must apply uniformly to both resident and nonresident
2 applicants; or

3 (c) Enrollment of a child under this section would displace a child
4 who is a resident of the district, except that if a child is admitted
5 under subsection (1) of this section, that child shall be permitted to
6 remain enrolled at that school, or in that district's kindergarten
7 through twelfth grade continuum, until he or she has completed his or
8 her schooling.

9 (3) Except as provided in subsection (1) of this section, and
10 chapter 28A.--- RCW (section 1 of this act), all districts accepting
11 applications from nonresident students or from students receiving home-
12 based instruction for admission to the district's schools shall
13 consider equally all applications received. Each school district shall
14 adopt a policy establishing rational, fair, and equitable standards for
15 acceptance and rejection of applications by June 30, 1990. The policy
16 may include rejection of a nonresident student if:

17 (a) Acceptance of a nonresident student would result in the
18 district experiencing a financial hardship;

19 (b) The student's disciplinary records indicate a history of
20 convictions for offenses or crimes, violent or disruptive behavior, or
21 gang membership; or

22 (c) The student has been expelled or suspended from a public school
23 for more than ten consecutive days. Any policy allowing for
24 readmission of expelled or suspended students under this subsection
25 (3)(c) must apply uniformly to both resident and nonresident
26 applicants.

27 For purposes of subsections (2)(a) and (3)(b) of this section,
28 "gang" means a group which: (i) Consists of three or more persons;
29 (ii) has identifiable leadership; and (iii) on an ongoing basis,
30 regularly conspires and acts in concert mainly for criminal purposes.

31 (4) The district shall provide to applicants written notification
32 of the approval or denial of the application in a timely manner. If
33 the application is rejected, the notification shall include the reason
34 or reasons for denial and the right to appeal under RCW 28A.225.230(3).

35 **Sec. 8.** RCW 28A.225.280 and 2006 c 263 s 903 are each amended to
36 read as follows:

37 Eligibility of transfer students under RCW 28A.225.220 and

1 28A.225.225 and students subject to chapter 28A.--- RCW (section 1 of
2 this act) for participation in extracurricular activities shall be
3 subject to rules adopted by the Washington interscholastic activities
4 association.

5 **Sec. 9.** RCW 28A.225.330 and 2006 c 263 s 805 are each amended to
6 read as follows:

7 (1) When enrolling a student who has attended school in another
8 school district, the school enrolling the student may request the
9 parent and the student to briefly indicate in writing whether or not
10 the student has:

11 (a) Any history of placement in special educational programs;

12 (b) Any past, current, or pending disciplinary action;

13 (c) Any history of violent behavior, or behavior listed in RCW
14 13.04.155;

15 (d) Any unpaid fines or fees imposed by other schools; and

16 (e) Any health conditions affecting the student's educational
17 needs.

18 (2) The school enrolling the student shall request the school the
19 student previously attended to send the student's permanent record
20 including records of disciplinary action, history of violent behavior
21 or behavior listed in RCW 13.04.155, attendance, immunization records,
22 and academic performance. If the student has not paid a fine or fee
23 under RCW 28A.635.060, or tuition, fees, or fines at approved private
24 schools the school may withhold the student's official transcript, but
25 shall transmit information about the student's academic performance,
26 special placement, immunization records, records of disciplinary
27 action, and history of violent behavior or behavior listed in RCW
28 13.04.155. If the official transcript is not sent due to unpaid
29 tuition, fees, or fines, the enrolling school shall notify both the
30 student and parent or guardian that the official transcript will not be
31 sent until the obligation is met, and failure to have an official
32 transcript may result in exclusion from extracurricular activities or
33 failure to graduate.

34 (3) If information is requested under subsection (2) of this
35 section, the information shall be transmitted within two school days
36 after receiving the request and the records shall be sent as soon as
37 possible. Any school district or district employee who releases the

1 information in compliance with this section is immune from civil
2 liability for damages unless it is shown that the school district
3 employee acted with gross negligence or in bad faith. The professional
4 educator standards board shall provide by rule for the discipline under
5 chapter 28A.410 RCW of a school principal or other chief administrator
6 of a public school building who fails to make a good faith effort to
7 assure compliance with this subsection.

8 (4) Any school district or district employee who releases the
9 information in compliance with federal and state law is immune from
10 civil liability for damages unless it is shown that the school district
11 or district employee acted with gross negligence or in bad faith.

12 (5) When a school receives information under this section or RCW
13 13.40.215 that a student has a history of disciplinary actions,
14 criminal or violent behavior, or other behavior that indicates the
15 student could be a threat to the safety of educational staff or other
16 students, the school shall provide this information to the student's
17 teachers and security personnel.

18 (6) For students who are subject to the interstate compact on
19 educational opportunity for military children, chapter 28A.--- RCW
20 (section 1 of this act), this section applies only to the extent it
21 does not conflict with that chapter.

22 **Sec. 10.** RCW 28A.230.040 and 2006 c 263 s 415 are each amended to
23 read as follows:

24 Every pupil attending grades one through eight of the public
25 schools shall receive instruction in physical education as prescribed
26 by rule of the superintendent of public instruction(~~(+---PROVIDED,~~
27 ~~That~~)). Individual pupils or students may be excused on account of
28 physical disability, religious belief, or participation in directed
29 athletics. Individual pupils or students who have received a waiver
30 under Article VII(1) of section 1 of this act are exempt from this
31 section.

32 **Sec. 11.** RCW 28A.230.050 and 2006 c 263 s 416 are each amended to
33 read as follows:

34 All high schools of the state shall emphasize the work of physical
35 education, and carry into effect all physical education requirements
36 established by rule of the superintendent of public instruction(~~(+---~~

1 ~~PROVIDED, That~~)). Individual students may be excused from
2 participating in physical education otherwise required under this
3 section on account of physical disability, employment, or religious
4 belief, or because of participation in directed athletics or military
5 science and tactics or for other good cause. Individual students who
6 have received a waiver under Article VII(1) of section 1 of this act
7 are exempt from this section.

8 **Sec. 12.** RCW 28A.230.060 and 1991 c 116 s 7 are each amended to
9 read as follows:

10 Students in the twelfth grade who have not completed a course of
11 study in Washington's history and state government because of previous
12 residence outside the state may have the requirement in RCW 28A.230.090
13 waived by their principal. Individual students who have received a
14 waiver under Article VII(1) of section 1 of this act are exempt from
15 this section.

16 **Sec. 13.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to
17 read as follows:

18 (1) The state board of education shall establish high school
19 graduation requirements or equivalencies for students, except those
20 equivalencies established by local high schools or school districts
21 under RCW 28A.230.097. For students who are subject to the interstate
22 compact on educational opportunity for military children, chapter
23 28A.--- RCW (section 1 of this act), this section applies only to the
24 extent it does not conflict with that chapter.

25 (a) Any course in Washington state history and government used to
26 fulfill high school graduation requirements shall consider including
27 information on the culture, history, and government of the American
28 Indian peoples who were the first inhabitants of the state.

29 (b) The certificate of academic achievement requirements under RCW
30 28A.655.061 or the certificate of individual achievement requirements
31 under RCW 28A.155.045 are required for graduation from a public high
32 school but are not the only requirements for graduation.

33 (c) Any decision on whether a student has met the state board's
34 high school graduation requirements for a high school and beyond plan
35 shall remain at the local level.

1 (2) In recognition of the statutory authority of the state board of
2 education to establish and enforce minimum high school graduation
3 requirements, the state board shall periodically reevaluate the
4 graduation requirements and shall report such findings to the
5 legislature in a timely manner as determined by the state board. The
6 state board shall reevaluate the graduation requirements for students
7 enrolled in vocationally intensive and rigorous career and technical
8 education programs, particularly those programs that lead to a
9 certificate or credential that is state or nationally recognized. The
10 purpose of the evaluation is to ensure that students enrolled in these
11 programs have sufficient opportunity to earn a certificate of academic
12 achievement, complete the program and earn the program's certificate or
13 credential, and complete other state and local graduation requirements.
14 The board shall (~~reports—[report]~~) report its findings and
15 recommendations for additional flexibility in graduation requirements,
16 if necessary, to the legislature by December 1, 2007.

17 (3) Pursuant to any requirement for instruction in languages other
18 than English established by the state board of education or a local
19 school district, or both, for purposes of high school graduation,
20 students who receive instruction in American sign language or one or
21 more American Indian languages shall be considered to have satisfied
22 the state or local school district graduation requirement for
23 instruction in one or more languages other than English.

24 (4) If requested by the student and his or her family, a student
25 who has completed high school courses before attending high school
26 shall be given high school credit which shall be applied to fulfilling
27 high school graduation requirements if:

28 (a) The course was taken with high school students, if the academic
29 level of the course exceeds the requirements for seventh and eighth
30 grade classes, and the student has successfully passed by completing
31 the same course requirements and examinations as the high school
32 students enrolled in the class; or

33 (b) The academic level of the course exceeds the requirements for
34 seventh and eighth grade classes and the course would qualify for high
35 school credit, because the course is similar or equivalent to a course
36 offered at a high school in the district as determined by the school
37 district board of directors.

1 (5) Students who have taken and successfully completed high school
2 courses under the circumstances in subsection (4) of this section shall
3 not be required to take an additional competency examination or perform
4 any other additional assignment to receive credit.

5 (6) At the college or university level, five quarter or three
6 semester hours equals one high school credit.

7 **Sec. 14.** RCW 28A.655.061 and 2007 c 355 s 5 and 2007 c 354 s 2 are
8 each reenacted and amended to read as follows:

9 (1) The high school assessment system shall include but need not be
10 limited to the Washington assessment of student learning, opportunities
11 for a student to retake the content areas of the assessment in which
12 the student was not successful, and if approved by the legislature
13 pursuant to subsection (10) of this section, one or more objective
14 alternative assessments for a student to demonstrate achievement of
15 state academic standards. The objective alternative assessments for
16 each content area shall be comparable in rigor to the skills and
17 knowledge that the student must demonstrate on the Washington
18 assessment of student learning for each content area.

19 (2) Subject to the conditions in this section, a certificate of
20 academic achievement shall be obtained by most students at about the
21 age of sixteen, and is evidence that the students have successfully met
22 the state standard in the content areas included in the certificate.
23 With the exception of students satisfying the provisions of RCW
24 28A.155.045 or 28A.655.0611, acquisition of the certificate is required
25 for graduation from a public high school but is not the only
26 requirement for graduation. Students who are subject to the interstate
27 compact on educational opportunity for military children, chapter 28A.-
28 -- RCW (section 1 of this act), are exempt from the requirements in
29 this subsection.

30 (3) Beginning with the graduating class of 2008, with the exception
31 of students satisfying the provisions of RCW 28A.155.045, a student who
32 meets the state standards on the reading, writing, and mathematics
33 content areas of the high school Washington assessment of student
34 learning shall earn a certificate of academic achievement. If a
35 student does not successfully meet the state standards in one or more
36 content areas required for the certificate of academic achievement,
37 then the student may retake the assessment in the content area up to

1 four times at no cost to the student. If the student successfully
2 meets the state standards on a retake of the assessment then the
3 student shall earn a certificate of academic achievement. Once
4 objective alternative assessments are authorized pursuant to subsection
5 (10) of this section, a student may use the objective alternative
6 assessments to demonstrate that the student successfully meets the
7 state standards for that content area if the student has taken the
8 Washington assessment of student learning at least once. If the
9 student successfully meets the state standards on the objective
10 alternative assessments then the student shall earn a certificate of
11 academic achievement.

12 (4) Beginning no later than with the graduating class of 2013, a
13 student must meet the state standards in science in addition to the
14 other content areas required under subsection (3) of this section on
15 the Washington assessment of student learning or the objective
16 alternative assessments in order to earn a certificate of academic
17 achievement. The state board of education may adopt a rule that
18 implements the requirements of this subsection (4) beginning with a
19 graduating class before the graduating class of 2013, if the state
20 board of education adopts the rule by September 1st of the freshman
21 school year of the graduating class to which the requirements of this
22 subsection (4) apply. The state board of education's authority under
23 this subsection (4) does not alter the requirement that any change in
24 performance standards for the tenth grade assessment must comply with
25 RCW 28A.305.130.

26 (5) The state board of education may not require the acquisition of
27 the certificate of academic achievement for students in home-based
28 instruction under chapter 28A.200 RCW, for students enrolled in private
29 schools under chapter 28A.195 RCW, or for students satisfying the
30 provisions of RCW 28A.155.045.

31 (6) A student may retain and use the highest result from each
32 successfully completed content area of the high school assessment.

33 (7) School districts must make available to students the following
34 options:

35 (a) To retake the Washington assessment of student learning up to
36 four times in the content areas in which the student did not meet the
37 state standards if the student is enrolled in a public school; or

1 (b) To retake the Washington assessment of student learning up to
2 four times in the content areas in which the student did not meet the
3 state standards if the student is enrolled in a high school completion
4 program at a community or technical college. The superintendent of
5 public instruction and the state board for community and technical
6 colleges shall jointly identify means by which students in these
7 programs can be assessed.

8 (8) Students who achieve the standard in a content area of the high
9 school assessment but who wish to improve their results shall pay for
10 retaking the assessment, using a uniform cost determined by the
11 superintendent of public instruction.

12 (9) Opportunities to retake the assessment at least twice a year
13 shall be available to each school district.

14 (10)(a) The office of the superintendent of public instruction
15 shall develop options for implementing objective alternative
16 assessments, which may include an appeals process for students' scores,
17 for students to demonstrate achievement of the state academic
18 standards. The objective alternative assessments shall be comparable
19 in rigor to the skills and knowledge that the student must demonstrate
20 on the Washington assessment of student learning and be objective in
21 its determination of student achievement of the state standards.
22 Before any objective alternative assessments in addition to those
23 authorized in RCW 28A.655.065 or (b) of this subsection are used by a
24 student to demonstrate that the student has met the state standards in
25 a content area required to obtain a certificate, the legislature shall
26 formally approve the use of any objective alternative assessments
27 through the omnibus appropriations act or by statute or concurrent
28 resolution.

29 (b)(i) A student's score on the mathematics, reading or English, or
30 writing portion of the scholastic assessment test (SAT) or the American
31 college test (ACT) may be used as an objective alternative assessment
32 under this section for demonstrating that a student has met or exceeded
33 the state standards for the certificate of academic achievement. The
34 state board of education shall identify the scores students must
35 achieve on the relevant portion of the SAT or ACT to meet or exceed the
36 state standard in the relevant content area on the Washington
37 assessment of student learning. The state board of education shall

1 identify the first scores by December 1, 2007. After the first scores
2 are established, the state board may increase but not decrease the
3 scores required for students to meet or exceed the state standards.

4 (ii) Until August 31, 2008, a student's score on the mathematics
5 portion of the preliminary scholastic assessment test (PSAT) may be
6 used as an objective alternative assessment under this section for
7 demonstrating that a student has met or exceeded the state standard for
8 the certificate of academic achievement. The state board of education
9 shall identify the score students must achieve on the mathematics
10 portion of the PSAT to meet or exceed the state standard in that
11 content area on the Washington assessment of student learning.

12 (iii) A student who scores at least a three on the grading scale of
13 one to five for selected advance placement examinations may use the
14 score as an objective alternative assessment under this section for
15 demonstrating that a student has met or exceeded state standards for
16 the certificate of academic achievement. A score of three on the
17 (~~advance placement~~) AP examinations in calculus or statistics may be
18 used as an alternative assessment for the mathematics portion of the
19 Washington assessment of student learning. A score of three on the
20 (~~advance placement~~) AP examinations in English language and
21 composition may be used as an alternative assessment for the writing
22 portion of the Washington assessment of student learning. A score of
23 three on the (~~advance placement~~) AP examinations in English
24 literature and composition, macroeconomics, microeconomics, psychology,
25 United States history, world history, United States government and
26 politics, or comparative government and politics may be used as an
27 alternative assessment for the reading portion of the Washington
28 assessment of student learning.

29 (11) By December 15, 2004, the house of representatives and senate
30 education committees shall obtain information and conclusions from
31 recognized, independent, national assessment experts regarding the
32 validity and reliability of the high school Washington assessment of
33 student learning for making individual student high school graduation
34 determinations.

35 (12) To help assure continued progress in academic achievement as
36 a foundation for high school graduation and to assure that students are
37 on track for high school graduation, each school district shall prepare
38 plans for students as provided in this subsection (12).

1 (a) Student learning plans are required for eighth through twelfth
2 grade students who were not successful on any or all of the content
3 areas of the Washington assessment for student learning during the
4 previous school year. The plan shall include the courses,
5 competencies, and other steps needed to be taken by the student to meet
6 state academic standards and stay on track for graduation. If
7 applicable, the plan shall also include the high school completion
8 pilot program created under RCW 28B.50.534.

9 (i) The parent or guardian shall be notified, preferably through a
10 parent conference, of the student's results on the Washington
11 assessment of student learning, actions the school intends to take to
12 improve the student's skills in any content area in which the student
13 was unsuccessful, strategies to help them improve their student's
14 skills, and the content of the student's plan.

15 (ii) Progress made on the student plan shall be reported to the
16 student's parents or guardian at least annually and adjustments to the
17 plan made as necessary.

18 (b) All fifth grade students who were not successful in one or more
19 of the content areas of the fourth grade Washington assessment of
20 student learning shall have a student learning plan.

21 (i) The parent or guardian of the student shall be notified,
22 preferably through a parent conference, of the student's results on the
23 Washington assessment of student learning, actions the school intends
24 to take to improve the student's skills in any content area in which
25 the student was unsuccessful, and provide strategies to help them
26 improve their student's skills.

27 (ii) Progress made on the student plan shall be reported to the
28 student's parents or guardian at least annually and adjustments to the
29 plan made as necessary.

30 NEW SECTION. **Sec. 15.** (1) The office of the superintendent of
31 public instruction shall convene and support a task force to review and
32 make recommendations regarding the interstate compact on educational
33 opportunity for military children. Education committee staff from
34 senate committee services and house of representatives office of
35 program research shall provide support to the legislative members of
36 the task force.

1 (2) The task force shall review the compact and issue a final
2 report on the following, at a minimum:

3 (a) Which components of the compact are currently being
4 substantially implemented in Washington and which are not;

5 (b) The implications of and the interplay between the compact and
6 applicable federal education law;

7 (c) The implications of and the interplay between the compact and
8 applicable state education law; and

9 (d) The legal obligations that the compact would impose on the
10 state if it were to be adopted.

11 (3) The task force shall also address any provisions within the
12 compact that raise concerns of the task force members and shall make
13 recommendations on how to address those concerns within the final
14 report.

15 (4) The task force shall include the following members:

16 (a) Four legislative members, including one member appointed by the
17 president of the senate from each of the two largest caucuses of the
18 senate, and one member appointed by the speaker of the house of
19 representatives from each of the two largest caucuses of the house of
20 representatives;

21 (b) The attorney general or a designee;

22 (c) A representative from the United States department of defense;

23 (d) The superintendent of public instruction or a designee;

24 (e) A representative from each educational service district;

25 (f) A superintendent from a school district with a high
26 concentration of military children; and

27 (g) A representative of the state board of education.

28 (5) Legislative members of the task force shall be reimbursed for
29 travel expenses under RCW 44.04.120. Nonlegislative members are
30 entitled to be reimbursed for travel expenses in accordance with RCW
31 43.03.050 and 43.03.060.

32 (6) The task force shall present its final report of findings and
33 conclusions, including recommendations for legislative action if
34 necessary, to the appropriate committees of the legislature by December
35 1, 2008.

36 NEW SECTION. **Sec. 16.** (1) Section 1 of this act takes effect when
37 the interstate compact on educational opportunity for military children

1 takes effect in nine other states. If the interstate compact that is
2 the subject of section 1 of this act does not take effect in nine other
3 states by January 1, 2010, then section 1 of this act is void in its
4 entirety.

5 (2) Sections 2 through 14 of this act take effect if and when
6 section 1 of this act takes effect.

7 (3) The interstate commission on educational opportunity for
8 military children shall notify the legislature when the condition in
9 subsection (1) of this section has been met.

10 NEW SECTION. **Sec. 17.** Section 1 of this act constitutes a new
11 chapter in Title 28A RCW."

12 Correct the title.

EFFECT: Provides that the compact takes effect only when it takes effect in nine other states. If this does not occur by January 1, 2010, then the section that enacts the compact is void. Also provides that the changes to Washington law with respect to the compact take effect only if the compact takes effect. Requires the interstate commission on educational opportunity for military children to notify the Legislature when the compact takes effect in nine other states. Establishes a task force, convened by the Office of the Superintendent of Public Instruction, and including four legislators, to study the compact and make recommendations to the Legislature by December 1, 2008.

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