

CHAPTER 2023-165

Committee Substitute for House Bill No. 1125

An act relating to the interstate education compacts; creating s. 1012.993, F.S., creating the Interstate Teacher Mobility Compact; providing purpose and definitions for the compact; providing requirements for the licensure of teachers in member states who hold specified licenses in other member states; providing requirements for teachers who are licensed in one member state to become licensed in another member state, including career and technical education teachers; providing requirements for licensed teachers who are also eligible military spouses; providing requirements for the renewal of such licenses in the member state a teacher transferred his or her license to; providing applicability; authorizing member states to require additional information for the purpose of determining teacher compensation; providing construction; providing requirements a teacher must meet for licensure in a member state; providing requirements for the investigation or imposition of disciplinary measure and adverse actions for teachers; providing for the sharing and protection of certain information between member states; establishing the Interstate Teacher Mobility Compact Commission; providing purpose of the commission; providing requirements for the membership and meetings of the commission; providing for the removal or suspension of commissioners; providing requirements, powers, and duties of the commission; authorizing the commission to adopt bylaws and rules; establishing the executive committee of the commission; providing for the membership and meetings of the committee; providing the duties and responsibilities of the committee; providing meeting requirements for the commission; requiring the commission to keep specified records and minutes; requiring the commission to pay specified expenses; authorizing the commission to accept specified donations and grants; prohibiting the commission from incurring specified obligations; providing specified immunity to certain individuals; providing exceptions; requiring the commission to defend specified individuals under certain circumstances; requiring the commission to indemnify certain individuals; providing exceptions; providing requirements for the rules of the commission; providing requirements for the exchange of specified information between member states; providing requirements for the oversight of the commission and member states; providing for the resolution of disputes through specified means, including specified judicial proceedings; requiring courts and administrative agencies of member states to take specified actions; providing requirements for the commission and member states for member states that have defaulted in their performance of compact requirements; providing requirements for notifications to such member states; providing requirements for member states who fail to cure such defaults; providing requirements for the termination of the compact for such member states; providing requirements for member states whose participation in the compact is terminated; providing commission and

member state requirements relating to the resolution of certain disputes; providing requirements for the compact to take effect; providing requirements for the effect of certain rules and bylaws on member states; providing requirements for member states to withdrawal from the compact; providing for construction and severability of the compact; providing for the consistent application of the compact in member states; providing that certain agreements are binding; amending s. 1000.36, F.S.; updating a cross-reference within the Interstate Compact on Educational Opportunity for Military Children; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1012.993, Florida Statutes, is created to read:

1012.993 Interstate Teacher Mobility Compact.—The Governor is authorized and directed to execute the Interstate Teacher Mobility Compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

ARTICLE I

PURPOSE

The purpose of this compact is to facilitate the mobility of teachers across the member states with the goal of supporting teachers through a new pathway to licensure.

Through this compact, the member states seek to establish a collective regulatory framework which expedites and enhances the ability of teachers from a variety of backgrounds to move across state lines. This compact is intended to achieve the following objectives and should be interpreted accordingly. The member states hereby ratify the same intentions by subscribing hereto:

- (1) Create a streamlined pathway to licensure mobility for teachers;
- (2) Support the relocation of eligible military spouses;
- (3) Facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the member states;
- (4) Enhance the power of state and district level education officials to hire qualified, competent teachers by removing barriers to the employment of out-of-state teachers;
- (5) Support the retention of teachers in the profession by removing barriers to relicensure in a new state; and

(6) Maintain state sovereignty in the regulation of the teaching profession.

ARTICLE II

DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall govern the terms herein:

(1) “Active military member” means any person with a full-time duty status in the uniformed armed services of the United States, including members of the National Guard and Reserve.

(2) “Adverse action” means any limitation or restriction imposed by a member state’s licensing authority, including the revocation, suspension, reprimand, probation, or limitation on the licensee’s ability to work as a teacher.

(3) “Bylaws” means the bylaws established by the commission.

(4) “Career and technical education” means a current, valid authorization issued by a member state’s licensing authority allowing an individual to serve as a teacher in K-12 public educational settings in a specific career and technical education area.

(5) “Commissioner” means the delegate of a member state.

(6) “Eligible license” means a license to engage in the teaching profession which requires at least a bachelor’s degree and the completion of a state approved program for teacher licensure.

(7) “Eligible military spouse” means the spouse of any individual in full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty moving as a result of military mission or military career progression requirements, or are on their terminal move as a result of separation or retirement, including surviving spouses of deceased military members.

(8) “Executive committee” means a group of commissioners elected or appointed to act on behalf of, and within the powers granted to them by, the commission as provided herein.

(9) “Licensing authority” means an official, agency, board, or other entity of a state that is responsible for the licensing and regulation of teachers authorized to teach in K-12 public educational settings.

(10) “Member state” means any state that has adopted this compact, including all agencies and officials of such a state.

(11) “Receiving state” means any state where a teacher has applied for licensure under this compact.

(12) “Rule” means any regulation adopted by the commission under this compact which shall have the force of law in each member state.

(13) “State” means a state, territory, or possession of the United States and the District of Columbia.

(14) “State practice laws” means a member state’s laws, rules, and regulations that govern the teaching profession, define the scope of such profession, and create the method and grounds for imposing discipline.

(15) “Teacher” means an individual who currently holds an authorization from a member state which forms the basis for employment in the K-12 public schools of the state to provide instruction in a specific subject area, grade level, or student population.

(16) “Unencumbered license” means a current, valid authorization issued by a member state’s licensing authority allowing an individual to serve as a teacher in K-12 public education settings. An unencumbered license is not a restricted, probationary, provisional, substitute, or temporary credential.

ARTICLE III

LICENSURE UNDER THE COMPACT

(1) Licensure under this compact pertains only to the initial grant of a license by the receiving state. Nothing herein applies to any subsequent or ongoing compliance requirements that a receiving state might require for teachers.

(2) Each member state shall, in accordance with rules of the commission, define, compile, and update, as necessary, a list of eligible licenses and career and technical education licenses that the member state is willing to consider for equivalency under this compact and provide the list to the commission. The list shall include those licenses that a receiving state is willing to grant teachers from other member states, pending a determination of equivalency by the receiving state’s licensing authority.

(3) Upon the receipt of an application for licensure by a teacher holding an unencumbered license, the receiving state shall determine which of the receiving state’s eligible licenses the teacher is qualified to hold and shall grant such a license or licenses to the applicant. Such a determination shall be made in the sole discretion of the receiving state’s licensing authority and may include a determination that the applicant is not eligible for any of the receiving state’s licenses. For all teachers who hold an unencumbered license, the receiving state shall grant one or more unencumbered license

that, in the receiving state's sole discretion, are equivalent to the license held by the teacher in any other member state.

(4) For active duty military members and eligible military spouses who hold a license that is not unencumbered, the receiving state shall grant an equivalent license or licenses that, in the receiving state's sole discretion, is equivalent to the license or licenses held by the teacher in any other member state, except where the receiving state does not have an equivalent license.

(5) For a teacher holding an unencumbered career and technical education license, the receiving state shall grant an unencumbered license equivalent to the career and technical education license held by the applying teacher and issued by another member state, as determined by the receiving state in its sole discretion, except where a career and technical education teacher does not hold a bachelor's degree and the receiving state requires a bachelor's degree for licenses to teach career and technical education. A receiving state may require career and technical education teachers to meet state industry recognized requirements, if required by law in the receiving state.

ARTICLE IV

LICENSURE NOT UNDER THE COMPACT

(1) Except as provided in Article III, nothing in this compact shall be construed to limit or inhibit the power of a member state to regulate licensure or endorsements overseen by the member state's licensing authority.

(2) When a teacher is required to renew a license received pursuant to this compact, the state granting such a license may require the teacher to complete state-specific requirements as a condition of licensure renewal or advancement in that state.

(3) For purposes of determining compensation, a receiving state may require additional information from teachers receiving a license under the provisions of this compact.

(4) Nothing in this compact shall be construed to limit the power of a member state to control and maintain ownership of its information pertaining to teachers or limit the application of a member state's laws or regulations governing the ownership, use, or dissemination of information pertain to teachers.

(5) Nothing in this compact shall be construed to invalidate or alter any existing agreement or other cooperative arrangement which a member state may already be a party to or limit the ability of a member state to participate in any future agreement or other cooperative arrangement to:

(a) Award teaching licenses or other benefits based on additional professional credentials, including, but not limited to, the National Board Certification;

(b) Participate in the exchange of names of teachers whose license has been subject to an adverse action by a member state; or

(c) Participate in any agreement or cooperative arrangement with a nonmember state.

ARTICLE V

TEACHER QUALIFICATIONS AND REQUIREMENTS
FOR LICENSURE UNDER THE COMPACT

(1) Except as provided for active military members or eligible military spouses under subsection (4) of Article III, a teacher may only be eligible to receive a license under this compact where that teacher holds an unencumbered license in a member state.

(2) A teacher eligible to receive a license under this compact shall, unless otherwise provided herein:

(a) Upon their application to receive a license under this compact, undergo a criminal background check in the receiving state in accordance with the laws and regulations of the receiving state; and

(b) Provide the receiving state with information in addition to the information required for licensure for the purposes of determining compensation, if applicable.

ARTICLE VI

DISCIPLINE AND ADVERSE ACTIONS

Nothing in this compact shall be deemed or construed to limit the authority of a member state to investigate or impose disciplinary measures on teachers according to the state practice laws thereof.

ARTICLE VII

ESTABLISHMENT OF THE INTERSTATE
TEACHER MOBILITY COMPACT COMMISSION

(1) The interstate compact member states hereby create and establish a joint public agency known as the Interstate Teacher Mobility Compact Commission:

(a) The commission is a joint interstate governmental agency comprised of states that have enacted the Interstate Teacher Mobility Compact.

(b) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(2)(a) Each member state shall have and be limited to one delegate to the commission, who shall be given the title of commissioner.

(b) The commissioner shall be the primary administrative officer of the state licensing authority or their designee.

(c) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed.

(d) The member state shall fill any vacancy occurring in the commission within 90 days.

(e) Each commissioner shall be entitle to one vote about the adoption of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(f) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(g) The commission shall establish by rule a term of office for commissioners.

(3) The commission shall have the following powers and duties:

(a) Establish a code of ethics for the commission.

(b) Establish a fiscal year of the commission.

(c) Establish bylaws for the commission.

(d) Maintain its financial records in accordance with the bylaws of the commission.

(e) Meet and take such actions as are consistent with the provisions of this compact, the bylaws, and rules of the commission.

(f) Adopt uniform rules to implement and administer this compact. The rules shall have the force and effect of law and shall be binding in all member states. In the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law.

(g) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any member state licensing authority to sue or be sued under applicable law shall not be affected.

(h) Purchase and maintain insurance and bonds.

(i) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state or an associated nongovernmental organization that is open to membership by all states.

(j) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(k) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal or mixed, provided that at all times the commission shall avoid any appearance of impropriety.

(l) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal or mixed.

(m) Establish a budget and make expenditures.

(n) Borrow money.

(o) Appoint committees, including standing committees composed of members and such other interested persons as may be designated in this interstate compact, rules, or bylaws.

(p) Provide and receive information from, and cooperate with law enforcement agencies.

(q) Establish and elect an executive committee.

(r) Establish and develop a charter for an executive information governance committee to advise on facilitating the exchange of information, the use of information, data privacy, and technical support needs and provide reports as needed.

(s) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of teacher licensure.

(t) Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact.

(4)(a) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

(b) The executive committee shall be composed of eight voting members as follows:

1. The chair of the commission.
2. The vicechair of the commission.
3. The treasurer of the commission.
4. Five members who are elected by the commission from the current membership as follows:

a. Four voting members representing geographic regions in accordance with commission rules.

b. One at large voting member in accordance with commission rules.

(c) The commission may add or remove members of the executive committee as provided in commission rules.

(d) The executive committee shall meet at least once annually.

(e) The executive committee shall have the following duties and responsibilities:

1. Recommend to the entire commission changes to the rules or bylaws, changes to the compact legislation, fees paid by interstate compact member states such as annual dues and any compact fee charged by the member states on behalf of the commission.

2. Ensure commission administration services are appropriately provided, contractual or otherwise.

3. Prepare and recommend the budget.

4. Maintain financial records on behalf of the commission.

5. Monitor compliance of member states and provide reports to the commission.

6. Perform other duties as provided in the rules or bylaws.

(5)(a) All meeting of the commission shall be open to the public and public notice of meetings shall be given in accordance with commission bylaws.

(b) The commission shall keep minutes of commission meetings and shall provide a full and accurate summary of actions take, and the reasons thereof, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes.

(6)(a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The commission may accept all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflicts of interest.

(c) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission, in accordance with the rules of the commission.

(d) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to all accounting procedures established under the commission bylaws. All receipts and disbursements of funds of the commission shall be reviewed annually in accordance with commission bylaws and a report of the review shall be included in and become part of the annual report of the commission.

(7)(a) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities. Nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(b) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities. Nothing in this paragraph shall be construed to prohibit that person from retaining his or her own counsel and provide further that the actual or alleged act, error, or omission did not result from the person's intentional, willful, or wanton misconduct.

(c) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgement obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

ARTICLE VIII

RULEMAKING

(1) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this compact and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(2) The commission shall adopt reasonable rules to achieve the intent and purpose of this compact. In the event the commission exercises its rulemaking authority in a manner that is beyond the purpose and intent of this compact, or the powers granted hereunder, then such action by the commission shall be invalid and have no force and effect of law in the member states.

(3) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt this compact within 4 years of the date of the adoption of the rule, then such rule shall have no further force and effect in any member state.

(4) Rules or amendments to the rules shall be adopted or ratified at a regular or special meeting of the commission in accordance with the commission's rules and bylaws.

(5) Upon a determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity for comment, provided the usual rulemaking procedures shall be retroactively applied to the rule as soon as reasonably possible, in no even later than 90 days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately to:

(a) Meet an imminent threat to the public health, safety, or welfare;

(b) Prevent a loss of commission or member state funds;

(c) Meet a deadline for the adoption of an administrative rule that is established by federal law or rule; or

(d) Protect the public health or safety.

ARTICLE IX

FACILITATING THE EXCHANGE OF INFORMATION

(1) The commission shall provide for facilitating the exchange of information to administer and implement the provisions of this compact in accordance with the rules of the commission, consistent with generally accepted data protection principles.

(2) Nothing in this compact shall be deemed or construed to alter, limit, or inhibit the power of a member state to control and maintain ownership of its licensee information or alter, limit, or inhibit the laws or regulations governing licensee information in member states.

ARTICLE X

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(1)(a) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purpose and intent. The provisions of this compact shall have standing as statutory law.

(b) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(c) All courts and all administrative agencies shall take judicial notice of this compact, the rules of the commission, and any information provided to a member state pursuant thereto in any judicial or quasi-judicial proceeding in a member state pertaining to the subject matter of this compact, or which may affect the powers, responsibilities, or actions of the commission.

(d) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of this compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgement or order void as to the commission, this compact, or adopted rules.

(2)(a) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the adopted rules, the commission shall:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and any other action to be taken by the commission; and

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

(b) If a state in default fails to cure the default, the defaulting state may be terminated from this compact upon an affirmative vote of a majority of the commissioners of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(c) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the Governor, the Majority and Minority Leaders of the State Legislature, and the state licensing authority of the of the defaulting state and to each of the member states.

(d) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(e) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from this compact unless agreed upon in writing between the commission and the defaulting state.

(f) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(g) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(h)1. Upon the request of a member state, the commission shall attempt to resolve disputes related to this compact that arise among member states and between member and nonmember states.

2. The commission shall adopt a rule providing for both binding and nonbinding alternative dispute resolution for disputes as appropriate.

(i)1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By a majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of this compact and its adopted rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE XI

EFFECTUATION, WITHDRAWAL, AND AMENDMENT

(1) This compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state.

(a) On or after the effective date of this compact, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by such charter member state is materially different from the model compact statute.

(b) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in Article X.

(c) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in Article VII(X)(a) to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(2) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commissioner shall remain in existence and the compact shall remain in effect even if the number of member states should be less than 10.

(3) Any state that joins this compact after the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which this compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day this compact becomes law in that state, as the rules and bylaws may be amended as provided in this compact.

(4) Any member state may withdraw from this compact by enacting a statute repealing the same.

(a) A member state’s withdrawal shall not take effect until 6 months after the enactment of the repealing statute.

(b) Withdrawal shall not affect the continuing requirement of the withdrawing state’s licensing authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of the withdrawal.

(5) This compact may be amended by member states. No amendments to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE XII

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed to effectuate the purpose thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of any member state or a state seeking membership in this compact or the United States Constitution or the applicability thereof to any other government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be effected. If this compact shall be held contrary to the Constitution of any member state, this compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

ARTICLE XIII

CONSISTENT EFFECT AND
CONFLICT WITH OTHER STATE LAWS

(1) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with this compact.

(2) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with this compact are superseded to the extent of the conflict.

(3) All permissible agreements between the commission and the member states are binding in accordance with their terms.

Section 2. Articles II and III of section 1000.36, Florida Statutes, are amended to read:

1000.36 Interstate Compact on Educational Opportunity for Military Children.—The Governor is authorized and directed to execute the Interstate Compact on Educational Opportunity for Military Children on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

Interstate Compact on Educational
Opportunity for Military Children

ARTICLE II

DEFINITIONS.—As used in this compact, unless the context clearly requires a different construction, the term:

A. “Active duty” means the full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. chapters 1209 and 1211 ~~10 U.S.C. ss. 1209 and 1211~~.

B. “Children of military families” means school-aged children, enrolled in kindergarten through 12th grade, in the household of an active-duty member.

C. “Compact commissioner” means the voting representative of each compacting state appointed under Article VIII of this compact.

D. “Deployment” means the period 1 month before the servicemembers’ departure from their home station on military orders through 6 months after return to their home station.

E. “Educational records” or “education records” means those official records, files, and data directly related to a student and maintained by the school or local education agency, including, but not limited to, records encompassing all the material kept in the student’s cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

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

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

H. “Local education agency” means a public authority legally constituted by the state as an administrative agency to provide control of, and direction for, kindergarten through 12th grade public educational institutions.

I. “Member state” means a state that has enacted this compact.

J. “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other United States Territory. The term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. “Nonmember state” means a state that has not enacted this compact.

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

M. “Rule” means a written statement by the Interstate Commission adopted under Article XII of this compact which is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

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

O. “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other United States Territory.

P. “Student” means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through 12th grade.

Q. “Transition” means:

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

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

R. “Uniformed services” means the Army, Navy, Air Force, Space Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III

APPLICABILITY.—

A. Except as otherwise provided in Section C, this compact applies to the children of:

- 1. Active duty members of the uniformed services, including members of the National Guard and Reserve on active-duty orders pursuant to 10 U.S.C. chapters 1209 and 1211 ~~10 U.S.C. ss. 1209 and 1211~~;
- 2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of 1 year after medical discharge or retirement; and
- 3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of 1 year after death.

B. This interstate compact applies to local education agencies.

C. This compact does not apply to the children of:

- 1. Inactive members of the National Guard and military reserves;
- 2. Members of the uniformed services now retired, except as provided in Section A;
- 3. Veterans of the uniformed services, except as provided in Section A; and
- 4. Other United States Department of Defense personnel and other federal agency civilian and contract employees not defined as active-duty members of the uniformed services.

Section 3. This act shall take effect July 1, 2023.

Approved by the Governor May 26, 2023.

Filed in Office Secretary of State May 26, 2023.