

## SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 1678

AN ACT

To repeal sections 41.1010, 42.007, 160.053, 160.518, 168.021, 170.011, and 620.515, RSMo, and to enact in lieu thereof nine new sections relating to members of the military and their families.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 41.1010, 42.007, 160.053, 160.518,  
2           168.021, 170.011, and 620.515, RSMo, are repealed and nine new  
3           sections enacted in lieu thereof, to be known as sections  
4           41.1010, 42.007, 160.053, 160.518, 160.2000, 168.021, 170.011,  
5           173.234, and 620.515, to read as follows:

6           41.1010. 1. There is hereby established the "Missouri  
7           Military Preparedness and Enhancement Commission". The  
8           commission shall have as its purpose the design and  
9           implementation of measures intended to protect, retain, and  
10          enhance the present and future mission capabilities at the  
11          military posts or bases within the state. The commission shall  
12          consist of nine members:

13               (1) Five members to be appointed by the governor;

14               (2) Two members of the house of representatives, one  
15               appointed by the speaker of the house of representatives, and one  
16               appointed by the minority floor leader;

17               (3) Two members of the senate, one appointed by the  
18               president pro tempore, and one appointed by the minority floor  
19               leader;

1           (4) The director of the department of economic development  
2 or the director's designee, ex officio;

3           (5) The chairman of the Missouri veterans' commission or  
4 the chairman's designee, ex officio.

5  
6 No more than three of the five members appointed by the governor  
7 shall be of the same political party. To be eligible for  
8 appointment by the governor, a person shall have demonstrated  
9 experience in economic development, the defense industry,  
10 military installation operation, environmental issues, finance,  
11 local government, or the use of air space for future military  
12 missions. Appointed members of the commission shall serve  
13 three-year terms, except that of the initial appointments made by  
14 the governor, two shall be for one-year terms, two shall be for  
15 two-year terms, and one shall be for a three-year term. No  
16 appointed member of the commission shall serve more than six  
17 years total. A vacancy occurs if a legislative member leaves  
18 office for any reason. Any vacancy on the commission shall be  
19 filled in the same manner as the original appointment.

20           2. Members of the commission shall be reimbursed for the  
21 actual and necessary expenses incurred in the discharge of the  
22 member's official duties.

23           3. A chair of the commission shall be selected by the  
24 members of the commission.

25           4. The commission shall meet at least quarterly and at such  
26 other times as the chair deems necessary.

27           5. The commission shall be funded by an appropriation  
28 limited to that purpose. Any expenditure constituting more than

1     ten percent of the commission's annual appropriation shall be  
2     based on a competitive bid process.

3             6. The commission shall:

4             (1) Advise the governor and the general assembly on  
5     military issues and economic and industrial development related  
6     to military issues;

7             (2) Make recommendations regarding:

8             (a) Developing policies and plans to support the long-term  
9     viability and prosperity of the military, active and retiree, and  
10    civilian military employees, in this state, including promoting  
11    strategic regional alliances that may extend over state lines;

12            (b) Developing methods to improve private and public  
13    employment opportunities for former members of the military and  
14    their families residing in this state; and

15            (c) Developing methods to assist defense-dependent  
16    communities in the design and execution of programs that enhance  
17    a community's relationship with military installations and  
18    defense-related businesses;

19            (3) Provide information to communities, the general  
20    assembly, the state's congressional delegation, and state  
21    agencies regarding federal actions affecting military  
22    installations and missions;

23            (4) Serve as a clearinghouse for:

24            (a) Defense economic adjustment and transition information  
25    and activities; and

26            (b) Information concerning the following:

27            a. Issues related to the operating costs, missions, and  
28    strategic value of federal military installations located in the

1 state;

2 b. Employment issues for communities that depend on defense  
3 bases and in defense-related businesses; and

4 c. Defense strategies and incentive programs that other  
5 states are using to maintain, expand, and attract new defense  
6 contractors;

7 (5) Provide assistance to communities that have experienced  
8 a defense-related closure or realignment;

9 (6) Assist communities in the design and execution of  
10 programs that enhance a community's relationship with military  
11 installations and defense-related businesses, including regional  
12 alliances that may extend over state lines;

13 (7) Assist communities in the retention and recruiting of  
14 defense-related businesses, including fostering strategic  
15 regional alliances that may extend over state lines;

16 (8) Prepare a biennial strategic plan that:

17 (a) Fosters the enhancement of military value of the  
18 contributions of Missouri military installations to national  
19 defense strategies;

20 (b) Considers all current and anticipated base realignment  
21 and closure criteria; and

22 (c) Develops strategies to protect the state's existing  
23 military missions and positions the state to be competitive for  
24 new and expanded military missions;

25 (9) Encourage economic development in this state by  
26 fostering the development of industries related to defense  
27 affairs.

28 7. The commission shall prepare and present an annual

1 report to the governor and the general assembly by December  
2 thirty-first of each year.

3 8. The department of economic development shall furnish  
4 administrative support and staff for the effective operation of  
5 the commission.

6 42.007. 1. There is hereby established within the  
7 department of public safety the "Missouri Veterans' Commission",  
8 such commission to be a type III agency within the department of  
9 public safety under the Omnibus State Reorganization Act of 1974.  
10 All duties and activities carried on by the division of veterans'  
11 affairs on August 28, 1989, shall be vested in such commission as  
12 provided by the Omnibus Reorganization Act of 1974.

13 2. The commission shall be composed of five members, who  
14 shall be veterans appointed by the governor, with the advice and  
15 consent of the senate, for a four-year term; except that initial  
16 appointments to the commission shall consist of two veterans to  
17 serve four-year terms, two veterans to serve three-year terms,  
18 and one veteran to serve a two-year term. In addition, the chair  
19 of the Missouri military preparedness and enhancement commission  
20 or the chair's designee shall be an ex officio member of the  
21 commission.

22 3. The governor shall make all appointments to the  
23 commission from lists of nominees recommended by each of the  
24 statewide veterans' organizations incorporated in this state,  
25 chartered by Congress, or authorized under Title 38, United  
26 States Code. Vacancies shall be filled by appointment made in  
27 the same manner as the original appointments. A member of the  
28 commission shall be a resident of the state of Missouri but shall

1 not be an employee of the state. Members of the commission shall  
2 not be compensated for their services, but shall be reimbursed  
3 from funds appropriated therefor for actual and necessary  
4 expenses incurred in the performance of their duties.

5 4. The commission shall organize by electing one member as  
6 chairman and another as vice chairman. Such officers shall serve  
7 for a term of two years. The commission shall meet no fewer than  
8 four times per calendar year, at the call of the chairman, and at  
9 times and places established by the chairman by written notice.  
10 The commission's executive director shall serve as secretary to  
11 the commission.

12 5. The commission shall aid and assist all veterans and  
13 their dependents and legal representatives, who are legal  
14 Missouri residents or who live in the state of Missouri, in all  
15 matters relating to the rights of veterans under the laws of the  
16 United States and under the rules and regulations of federal  
17 agencies, boards, commissions and other authorities which are in  
18 any manner concerned with the interest and welfare of veterans  
19 and their dependents. In addition to any other duties imposed by  
20 sections 42.002 to 42.135 and section 143.1001, RSMo, the  
21 commission shall:

22 (1) Disseminate by all means available information  
23 concerning the rights of veterans and their dependents;

24 (2) Provide aid and assistance to all veterans, their  
25 dependents and legal representatives, in preparing, presenting  
26 and prosecuting claims for compensation, education, pensions,  
27 insurance benefits, hospitalization, rehabilitation and all other  
28 matters in which a veteran may have a claim against the United

1 States or any state arising out of or connected with service in  
2 the military forces of the United States;

3 (3) Prosecute all claims listed in subdivision (2) of this  
4 subsection to conclusion, when so authorized and empowered by a  
5 veteran, his survivors or legal representatives;

6 (4) Cooperate with the United States Employment Service,  
7 the United States Department of Veterans' Affairs and all federal  
8 and state offices legally concerned with and interested in the  
9 welfare of veterans and their dependents;

10 (5) Arrange for and accept through such mutual arrangements  
11 as may be made, the volunteer services, equipment, facilities,  
12 properties, supplies, funds and personnel of all federal,  
13 welfare, civic and service organizations, and other organized  
14 groups and individuals which are in furtherance of the purposes  
15 of sections 42.002 to 42.135 and section 143.1001, RSMo;

16 (6) Volunteers shall be deemed unpaid employees and shall  
17 be accorded the protection of the legal expense fund and  
18 liability provisions. Reimbursement for transportation and other  
19 necessary expenses may be furnished to those volunteers whose  
20 presence on special assignment is determined to be necessary by  
21 the commission. Such expenses shall be reimbursed from the  
22 regular appropriations of the commission. Volunteers may utilize  
23 state vehicles in the performance of commission-related duties,  
24 subject to those rules and regulations governing use of state  
25 vehicles by paid staff;

26 (7) Establish, maintain and operate offices throughout this  
27 state as necessary to carry out the purposes of sections 42.002  
28 to 42.135 and section 143.1001, RSMo;

1           (8) Provide to the executive director of the commission all  
2 appropriate authority for the execution of the duties of the  
3 commission under this chapter;

4           (9) Employ such staff as necessary for performance of the  
5 duties and purposes of this chapter.

6           160.053. 1. If a school district maintains a kindergarten  
7 program, a child is eligible for admission to kindergarten and to  
8 the summer school session immediately preceding kindergarten, if  
9 offered, if the child reaches the age of five before the first  
10 day of August of the school year beginning in that calendar year  
11 or if the child is a military dependent who has successfully  
12 completed an accredited prekindergarten program or has attended  
13 an accredited kindergarten program in another state. A child is  
14 eligible for admission to first grade if the child reaches the  
15 age of six before the first day of August of the school year  
16 beginning in that calendar year or if the child is a military  
17 dependent who has successfully completed an accredited  
18 kindergarten program in another state.

19           2. Any kindergarten or grade one pupil beginning the school  
20 term and any pupil beginning summer school prior to a  
21 kindergarten school term in a metropolitan school district or an  
22 urban school district containing the greater part of the  
23 population of a city which has more than three hundred thousand  
24 inhabitants pursuant to section 160.054 or 160.055 and  
25 subsequently transferring to another school district in this  
26 state in which the child's birth date would preclude such child's  
27 eligibility for entrance shall be deemed eligible for attendance  
28 and shall not be required to meet the minimum age requirements.



1 The receiving school district shall receive state aid for the  
2 child, notwithstanding the provisions of section 160.051.

3 3. Any child who completes the kindergarten year shall not  
4 be required to meet the age requirements of a district for  
5 entrance into grade one.

6 4. The provisions of this section relating to kindergarten  
7 instruction and state aid therefor, shall not apply during any  
8 particular school year to those districts which do not provide  
9 kindergarten classes that year.

10 160.518. 1. Consistent with the provisions contained in  
11 section 160.526, the state board of education shall develop a  
12 statewide assessment system that provides maximum flexibility for  
13 local school districts to determine the degree to which students  
14 in the public schools of the state are proficient in the  
15 knowledge, skills, and competencies adopted by such board  
16 pursuant to subsection 1 of section 160.514. The statewide  
17 assessment system shall assess problem solving, analytical  
18 ability, evaluation, creativity, and application ability in the  
19 different content areas and shall be performance-based to  
20 identify what students know, as well as what they are able to do,  
21 and shall enable teachers to evaluate actual academic  
22 performance.

23 The assessment system shall neither promote nor prohibit rote  
24 memorization and shall not include existing versions of tests  
25 approved for use pursuant to the provisions of section 160.257,  
26 nor enhanced versions of such tests. The statewide assessment  
27 shall measure, where appropriate by grade level, a student's  
28 knowledge of academic subjects including, but not limited to,

1 reading skills, writing skills, mathematics skills, world and  
2 American history, forms of government, geography and science.

3 2. The assessment system shall only permit the academic  
4 performance of students in each school in the state to be tracked  
5 against prior academic performance in the same school.

6 3. The state board of education shall suggest criteria for  
7 a school to demonstrate that its students learn the knowledge,  
8 skills and competencies at exemplary levels worthy of imitation  
9 by students in other schools in the state and nation. "Exemplary  
10 levels" shall be measured by the assessment system developed  
11 pursuant to subsection 1 of this section, or until said  
12 assessment is available, by indicators approved for such use by  
13 the state board of education. The provisions of other law to the  
14 contrary notwithstanding, the commissioner of education may, upon  
15 request of the school district, present a plan for the waiver of  
16 rules and regulations to any such school, to be known as  
17 "Outstanding Schools Waivers", consistent with the provisions of  
18 subsection 4 of this section.

19 4. For any school that meets the criteria established by  
20 the state board of education for three successive school years  
21 pursuant to the provisions of subsection 3 of this section, by  
22 August first following the third such school year, the  
23 commissioner of education shall present a plan to the  
24 superintendent of the school district in which such school is  
25 located for the waiver of rules and regulations to promote  
26 flexibility in the operations of the school and to enhance and  
27 encourage efficiency in the delivery of instructional services.  
28 The provisions of other law to the contrary notwithstanding, the

1 plan presented to the superintendent shall provide a summary  
2 waiver, with no conditions, for the pupil testing requirements  
3 pursuant to section 160.257, in the school. Further, the  
4 provisions of other law to the contrary notwithstanding, the plan  
5 shall detail a means for the waiver of requirements otherwise  
6 imposed on the school related to the authority of the state board  
7 of education to classify school districts pursuant to subdivision  
8 (9) of section 161.092, RSMo, and such other rules and  
9 regulations as determined by the commissioner of education,  
10 excepting such waivers shall be confined to the school and not  
11 other schools in the district unless such other schools meet the  
12 criteria established by the state board of education consistent  
13 with subsection 3 of this section and the waivers shall not  
14 include the requirements contained in this section and section  
15 160.514. Any waiver provided to any school as outlined in this  
16 subsection shall be void on June thirtieth of any school year in  
17 which the school fails to meet the criteria established by the  
18 state board of education consistent with subsection 3 of this  
19 section.

20 5. The score on any assessment test developed pursuant to  
21 this section or this chapter of any student for whom English is a  
22 second language shall not be counted until such time as such  
23 student has been educated for three full school years in a school  
24 in this state, or in any other state, in which English is the  
25 primary language.

26 6. The state board of education shall identify or, if  
27 necessary, establish one or more developmentally appropriate  
28 alternate assessments for students who receive special

1 educational services, as that term is defined pursuant to section  
2 162.675, RSMo. In the development of such alternate assessments,  
3 the state board shall establish an advisory panel consisting of a  
4 majority of active special education teachers and other education  
5 professionals as appropriate to research available assessment  
6 options. The advisory panel shall attempt to identify  
7 preexisting developmentally appropriate alternate assessments but  
8 shall, if necessary, develop alternate assessments and recommend  
9 one or more alternate assessments for adoption by the state  
10 board. The state board shall consider the recommendations of the  
11 advisory council in establishing such alternate assessment or  
12 assessments. Any student who receives special educational  
13 services, as that term is defined pursuant to section 162.675,  
14 RSMo, shall be assessed by an alternate assessment established  
15 pursuant to this subsection upon a determination by the student's  
16 individualized education program team that such alternate  
17 assessment is more appropriate to assess the student's knowledge,  
18 skills and competencies than the assessment developed pursuant to  
19 subsection 1 of this section. The alternate assessment shall  
20 evaluate the student's independent living skills, which include  
21 how effectively the student addresses common life demands and how  
22 well the student meets standards for personal independence  
23 expected for someone in the student's age group, sociocultural  
24 background, and community setting.

25 7. The state board of education shall also develop  
26 recommendations regarding alternate assessments for any military  
27 dependent who relocates to Missouri after the commencement of a  
28 school term, in order to accommodate such student while ensuring

1 that he or she is proficient in the knowledge, skills, and  
2 competencies adopted under section 160.514.

3 8. Notwithstanding the provisions of subsections 1 to [6] 7  
4 of this section, no later than June 30, 2006, the state board of  
5 education shall administer the following adjustments to the  
6 statewide assessment system:

7 (1) Align the performance standards of the statewide  
8 assessment system so that such indicators meet, but do not  
9 exceed, the performance standards of the National Assessment of  
10 Education Progress (NAEP) exam;

11 (2) Institute yearly examination of students in the  
12 required subject areas where compelled by existing federal  
13 standards, as of August 28, 2004; and

14 (3) Administer any other adjustments that the state board  
15 of education deems necessary in order to aid the state in  
16 satisfying existing federal requirements, as of August 28, 2004,  
17 including, but not limited to, the requirements contained in the  
18 federal No Child Left Behind Act. Grade-level expectations shall  
19 be considered when the state board of education establishes  
20 performance standards.

21 **[8.] 9.** By July 1, 2006, the state board of education shall  
22 examine its rules and regulations and revise them to permit  
23 waivers of resource and process standards based upon achievement  
24 of performance profiles consistent with accreditation status.

25 160.2000. Interstate Compact on Educational Opportunity for  
26 Military Children

27 ARTICLE I

28 PURPOSE

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

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

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

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

16 D. Facilitating the on-time graduation of children of  
17 military families.

18 E. Providing for the promulgation and enforcement of  
19 administrative rules implementing the provisions of this compact.

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

23 G. Promoting coordination between this compact and other  
24 compacts affecting military children.

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

28 ARTICLE II



1 Extracurricular activities include, but are not limited to,  
2 preparation for and involvement in public performances, contests,  
3 athletic competitions, demonstrations, displays, and club  
4 activities.

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

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

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

15 J. "Military installation" means: means a base, camp,  
16 post, station, yard, center, homeport facility for any ship, or  
17 other activity under the jurisdiction of the Department of  
18 Defense, including any leased facility, which is located within  
19 any of the several States, the District of Columbia, the  
20 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,  
21 American Samoa, the Northern Marianas Islands and any other U.S.  
22 Territory. Such term does not include any facility used primarily  
23 for civil works, rivers and harbors projects, or flood control  
24 projects.

25 K. "Nonmember state" means: a state that has not enacted  
26 this compact.

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



1 brought.

2 M. "Rule" means: a written statement by the Interstate  
3 Commission promulgated pursuant to Article XII of this compact  
4 that is of general applicability, implements, interprets or  
5 prescribes a policy or provision of the Compact, or an  
6 organizational, procedural, or practice requirement of the  
7 Interstate Commission, and has the force and effect of statutory  
8 law in a member state, and includes the amendment, repeal, or  
9 suspension of an existing rule.

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

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

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

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

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

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

4                               ARTICLE III

5                               APPLICABILITY

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

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

12       2. members or veterans of the uniformed services who are  
13 severely injured and medically discharged or retired for a period  
14 of one (1) year after medical discharge or retirement; and

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

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

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

22       1. inactive members of the national guard and military  
23 reserves;

24       2. members of the uniformed services now retired, except as  
25 provided in Section A;

26       3. veterans of the uniformed services, except as provided  
27 in Section A; and

28       4. other U.S. Dept. of Defense personnel and other federal

1 agency civilian and contract employees not defined as active duty  
2 members of the uniformed services.

3 ARTICLE IV

4 EDUCATIONAL RECORDS & ENROLLMENT

5 A. Unofficial or "hand-carried" education records - In the  
6 event that official education records cannot be released to the  
7 parents for the purpose of transfer, the custodian of the records  
8 in the sending state shall prepare and furnish to the parent a  
9 complete set of unofficial educational records containing uniform  
10 information as determined by the Interstate Commission. Upon  
11 receipt of the unofficial education records by a school in the  
12 receiving state, the school shall enroll and appropriately place  
13 the student based on the information provided in the unofficial  
14 records pending validation by the official records, as quickly as  
15 possible.

16 B. Official education records/transcripts - Simultaneous  
17 with the enrollment and conditional placement of the student, the  
18 school in the receiving state shall request the student's  
19 official education record from the school in the sending state.  
20 Upon receipt of this request, the school in the sending state  
21 will process and furnish the official education records to the  
22 school in the receiving state within ten (10) days or within such  
23 time as is reasonably determined under the rules promulgated by  
24 the Interstate Commission.

25 C. Immunizations - Compacting states shall give thirty (30)  
26 days from the date of enrollment or within such time as is  
27 reasonably determined under the rules promulgated by the  
28 Interstate Commission, for students to obtain any immunization(s)

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

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

## 17 ARTICLE V

### 18 PLACEMENT & ATTENDANCE

19 A. Course placement - When the student transfers before or  
20 during the school year, the receiving state school shall  
21 initially honor placement of the student in educational courses  
22 based on the student's enrollment in the sending state school  
23 and/or educational assessments conducted at the school in the  
24 sending state if the courses are offered. Course placement  
25 includes but is not limited to Honors, International  
26 Baccalaureate, Advanced Placement, vocational, technical and  
27 career pathways courses. Continuing the student's academic  
28 program from the previous school and promoting placement in

1 academically and career challenging courses should be paramount  
2 when considering placement. This does not preclude the school in  
3 the receiving state from performing subsequent evaluations to  
4 ensure appropriate placement and continued enrollment of the  
5 student in the course(s).

6 B. Educational program placement - The receiving state  
7 school shall initially honor placement of the student in  
8 educational programs based on current educational assessments  
9 conducted at the school in the sending state or  
10 participation/placement in like programs in the sending state.  
11 Such programs include, but are not limited to: 1) gifted and  
12 talented programs; and 2) English as a second language (ESL).  
13 This does not preclude the school in the receiving state from  
14 performing subsequent evaluations to ensure appropriate placement  
15 of the student.

16 C. Special education services - 1) In compliance with the  
17 federal requirements of the Individuals with Disabilities  
18 Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the  
19 receiving state shall initially provide comparable services to a  
20 student with disabilities based on his/her current Individualized  
21 Education Program (IEP); and 2) In compliance with the  
22 requirements of Section 504 of the Rehabilitation Act, 29  
23 U.S.C.A. Section 794, and with Title II of the Americans with  
24 Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving  
25 state shall make reasonable accommodations and modifications to  
26 address the needs of incoming students with disabilities, subject  
27 to an existing 504 or Title II Plan, to provide the student with  
28 equal access to education. This does not preclude the school in

1 the receiving state from performing subsequent evaluations to  
2 ensure appropriate placement of the student.

3 D. Placement flexibility - Local education agency  
4 administrative officials shall have flexibility in waiving  
5 course/program prerequisites, or other preconditions for  
6 placement in courses/programs offered under the jurisdiction of  
7 the local education agency.

8 E. Absence as related to deployment activities - A student  
9 whose parent or legal guardian is an active duty member of the  
10 uniformed services, as defined by the compact, and has been  
11 called to duty for, is on leave from, or immediately returned  
12 from deployment to a combat zone or combat support posting, shall  
13 be granted additional excused absences at the discretion of the  
14 local education agency superintendent to visit with his or her  
15 parent or legal guardian relative to such leave or deployment of  
16 the parent or guardian.

## 17 ARTICLE VI

### 18 ELIGIBILITY

#### 19 A. Eligibility for enrollment

20 1. Special power of attorney, relative to the guardianship  
21 of a child of a military family and executed under applicable law  
22 shall be sufficient for the purposes of enrollment and all other  
23 actions requiring parental participation and consent.

24 2. A local education agency shall be prohibited from  
25 charging local tuition to a transitioning military child placed  
26 in the care of a noncustodial parent or other person standing in  
27 loco parentis who lives in a jurisdiction other than that of the  
28 custodial parent.

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

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

## ARTICLE VII

## GRADUATION

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

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

B. Exit exams - States shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for

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

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

## 16 ARTICLE VIII

### 17 STATE COORDINATION

18 A. Each member state shall, through the creation of a State  
19 Council or use of an existing body or board, provide for the  
20 coordination among its agencies of government, local education  
21 agencies and military installations concerning the state's  
22 participation in, and compliance with, this compact and  
23 Interstate Commission activities. While each member state may  
24 determine the membership of its own State Council, its membership  
25 must include at least: the state superintendent of education,  
26 superintendent of a school district with a high concentration of  
27 military children, representative from a military installation,  
28 one representative each from the legislative and executive



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

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

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

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

#### 19 ARTICLE IX

#### 20 INTERSTATE COMMISSION ON EDUCATIONAL

#### 21 OPPORTUNITY FOR MILITARY CHILDREN

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

27 A. Be a body corporate and joint agency of the member  
28 states and shall have all the responsibilities, powers and duties

1 set forth herein, and such additional powers as may be conferred  
2 upon it by a subsequent concurrent action of the respective  
3 legislatures of the member states in accordance with the terms of  
4 this compact.

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

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

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

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

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

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

1 education of children of military members.

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

5 E. Establish an executive committee, whose members shall  
6 include the officers of the Interstate Commission and such other  
7 members of the Interstate Commission as determined by the bylaws.  
8 Members of the executive committee shall serve a one year term.  
9 Members of the executive committee shall be entitled to one vote  
10 each. The executive committee shall have the power to act on  
11 behalf of the Interstate Commission, with the exception of  
12 rulemaking, during periods when the Interstate Commission is not  
13 in session. The executive committee shall oversee the day-to-day  
14 activities of the administration of the compact including  
15 enforcement and compliance with the provisions of the compact,  
16 its bylaws and rules, and other such duties as deemed necessary.  
17 The U.S. Dept. of Defense, shall serve as an ex-officio,  
18 nonvoting member of the executive committee.

19 F. Establish bylaws and rules that provide for conditions  
20 and procedures under which the Interstate Commission shall make  
21 its information and official records available to the public for  
22 inspection or copying. The Interstate Commission may exempt from  
23 disclosure information or official records to the extent they  
24 would adversely affect personal privacy rights or proprietary  
25 interests.

26 G. Public notice shall be given by the Interstate  
27 Commission of all meetings and all meetings shall be open to the  
28 public, except as set forth in the rules or as otherwise provided

1 in the compact. The Interstate Commission and its committees may  
2 close a meeting, or portion thereof, where it determines by  
3 two-thirds vote that an open meeting would be likely to:

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

6 2. Disclose matters specifically exempted from disclosure  
7 by federal and state statute;

8 3. Disclose trade secrets or commercial or financial  
9 information which is privileged or confidential;

10 4. Involve accusing a person of a crime, or formally  
11 censuring a person;

12 5. Disclose information of a personal nature where  
13 disclosure would constitute a clearly unwarranted invasion of  
14 personal privacy;

15 6. Disclose investigative records compiled for law  
16 enforcement purposes; or

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

19 H. For a meeting, or portion of a meeting, closed pursuant  
20 to this provision, the Interstate Commission's legal counsel or  
21 designee shall certify that the meeting may be closed and shall  
22 reference each relevant exemptible provision. The Interstate  
23 Commission shall keep minutes which shall fully and clearly  
24 describe all matters discussed in a meeting and shall provide a  
25 full and accurate summary of actions taken, and the reasons  
26 therefore, including a description of the views expressed and the  
27 record of a roll call vote. All documents considered in  
28 connection with an action shall be identified in such minutes.

1 All minutes and documents of a closed meeting shall remain under  
2 seal, subject to release by a majority vote of the Interstate  
3 Commission.

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

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

## 21 ARTICLE X

### 22 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

23 The Interstate Commission shall have the following powers:

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

25 B. To promulgate rules and take all necessary actions to  
26 effect the goals, purposes and obligations as enumerated in this  
27 compact. The rules shall have the force and effect of statutory  
28 law and shall be binding in the compact states to the extent and

1 in the manner provided in this compact.

2 C. To issue, upon request of a member state, advisory  
3 opinions concerning the meaning or interpretation of the  
4 interstate compact, its bylaws, rules and actions.

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

9 E. To establish and maintain offices which shall be located  
10 within one or more of the member states.

11 F. To purchase and maintain insurance and bonds.

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

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

19 I. To elect or appoint such officers, attorneys, employees,  
20 agents, or consultants, and to fix their compensation, define  
21 their duties and determine their qualifications; and to establish  
22 the Interstate Commission's personnel policies and programs  
23 relating to conflicts of interest, rates of compensation, and  
24 qualifications of personnel.

25 J. To accept any and all donations and grants of money,  
26 equipment, supplies, materials, and services, and to receive,  
27 utilize, and dispose of it.

28 K. To lease, purchase, accept contributions or donations

1 of, or otherwise to own, hold, improve or use any property, real,  
2 personal, or mixed.

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

6 M. To establish a budget and make expenditures.

7 N. To adopt a seal and bylaws governing the management and  
8 operation of the Interstate Commission.

9 O. To report annually to the legislatures, governors,  
10 judiciary, and state councils of the member states concerning the  
11 activities of the Interstate Commission during the preceding  
12 year. Such reports shall also include any recommendations that  
13 may have been adopted by the Interstate Commission.

14 P. To coordinate education, training and public awareness  
15 regarding the compact, its implementation and operation for  
16 officials and parents involved in such activity.

17 Q. To establish uniform standards for the reporting,  
18 collecting and exchanging of data.

19 R. To maintain corporate books and records in accordance  
20 with the bylaws.

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

23 T. To provide for the uniform collection and sharing of  
24 information between and among member states, schools and military  
25 families under this compact.

## 26 ARTICLE XI

### 27 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

28 A. The Interstate Commission shall, by a majority of the

1 members present and voting, within 12 months after the first  
2 Interstate Commission meeting, adopt bylaws to govern its conduct  
3 as may be necessary or appropriate to carry out the purposes of  
4 the compact, including, but not limited to:

5 1. Establishing the fiscal year of the Interstate  
6 Commission;

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

9 3. Providing for the establishment of committees and for  
10 governing any general or specific delegation of authority or  
11 function of the Interstate Commission;

12 4. Providing reasonable procedures for calling and  
13 conducting meetings of the Interstate Commission, and ensuring  
14 reasonable notice of each such meeting;

15 5. Establishing the titles and responsibilities of the  
16 officers and staff of the Interstate Commission;

17 6. Providing a mechanism for concluding the operations of  
18 the Interstate Commission and the return of surplus funds that  
19 may exist upon the termination of the compact after the payment  
20 and reserving of all of its debts and obligations.

21 7. Providing "start up" rules for initial administration of  
22 the compact.

23 B. The Interstate Commission shall, by a majority of the  
24 members, elect annually from among its members a chairperson, a  
25 vice-chairperson, and a treasurer, each of whom shall have such  
26 authority and duties as may be specified in the bylaws. The  
27 chairperson or, in the chairperson's absence or disability, the  
28 vice-chairperson, shall preside at all meetings of the Interstate



1 Commission. The officers so elected shall serve without  
2 compensation or remuneration from the Interstate Commission;  
3 provided that, subject to the availability of budgeted funds, the  
4 officers shall be reimbursed for ordinary and necessary costs and  
5 expenses incurred by them in the performance of their  
6 responsibilities as officers of the Interstate Commission.

7 C. Executive Committee, Officers and Personnel

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

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

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

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

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

1 supervise such other persons as may be authorized by the  
2 Interstate Commission.

3 D. The Interstate Commission's executive director and its  
4 employees shall be immune from suit and liability, either  
5 personally or in their official capacity, for a claim for damage  
6 to or loss of property or personal injury or other civil  
7 liability caused or arising out of or relating to an actual or  
8 alleged act, error, or omission that occurred, or that such  
9 person had a reasonable basis for believing occurred, within the  
10 scope of Interstate Commission employment, duties, or  
11 responsibilities; provided, that such person shall not be  
12 protected from suit or liability for damage, loss, injury, or  
13 liability caused by the intentional or willful and wanton  
14 misconduct of such person.

15 1. The liability of the Interstate Commission's executive  
16 director and employees or Interstate Commission representatives,  
17 acting within the scope of such person's employment or duties for  
18 acts, errors, or omissions occurring within such person's state  
19 may not exceed the limits of liability set forth under the  
20 Constitution and laws of that state for state officials,  
21 employees, and agents. The Interstate Commission is considered  
22 to be an instrumentality of the states for the purposes of any  
23 such action. Nothing in this subsection shall be construed to  
24 protect such person from suit or liability for damage, loss,  
25 injury, or liability caused by the intentional or willful and  
26 wanton misconduct of such person.

27 2. The Interstate Commission shall defend the executive  
28 director and its employees and, subject to the approval of the

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

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

## 25 ARTICLE XII

### 26 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

27 A. Rulemaking Authority - The Interstate Commission shall  
28 promulgate reasonable rules in order to effectively and

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

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

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

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

## 26 ARTICLE XIII

### 27 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

#### 28 A. Oversight

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

7       2. All courts shall take judicial notice of the compact and  
8 the rules in any judicial or administrative proceeding in a  
9 member state pertaining to the subject matter of this compact  
10 which may affect the powers, responsibilities or actions of the  
11 Interstate Commission.

12       3. The Interstate Commission shall be entitled to receive  
13 all service of process in any such proceeding, and shall have  
14 standing to intervene in the proceeding for all purposes.  
15 Failure to provide service of process to the Interstate  
16 Commission shall render a judgment or order void as to the  
17 Interstate Commission, this compact or promulgated rules.

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

23       1. Provide written notice to the defaulting state and other  
24 member states, of the nature of the default, the means of curing  
25 the default and any action taken by the Interstate Commission.  
26 The Interstate Commission shall specify the conditions by which  
27 the defaulting state must cure its default.

28       2. Provide remedial training and specific technical

1 assistance regarding the default.

2 3. If the defaulting state fails to cure the default, the  
3 defaulting state shall be terminated from the compact upon an  
4 affirmative vote of a majority of the member states and all  
5 rights, privileges and benefits conferred by this compact shall  
6 be terminated from the effective date of termination. A cure of  
7 the default does not relieve the offending state of obligations  
8 or liabilities incurred during the period of the default.

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

15 5. The state which has been suspended or terminated is  
16 responsible for all assessments, obligations and liabilities  
17 incurred through the effective date of suspension or termination  
18 including obligations, the performance of which extends beyond  
19 the effective date of suspension or termination.

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

25 7. The defaulting state may appeal the action of the  
26 Interstate Commission by petitioning the U.S. District Court for  
27 the District of Columbia or the federal district where the  
28 Interstate Commission has its principal offices. The prevailing

1 party shall be awarded all costs of such litigation including  
2 reasonable attorney's fees.

3 C. Dispute Resolution

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

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

11 D. Enforcement

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

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

26 3. The remedies herein shall not be the exclusive remedies  
27 of the Interstate Commission. The Interstate Commission may  
28 avail itself of any other remedies available under state law or

1 the regulation of a profession.

2 ARTICLE XIV

3 FINANCING OF THE INTERSTATE COMMISSION

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

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

15 C. The Interstate Commission shall not incur obligations of  
16 any kind prior to securing the funds adequate to meet the same;  
17 nor shall the Interstate Commission pledge the credit of any of  
18 the member states, except by and with the authority of the member  
19 state.

20 D. The Interstate Commission shall keep accurate accounts  
21 of all receipts and disbursements. The receipts and  
22 disbursements of the Interstate Commission shall be subject to  
23 the audit and accounting procedures established under its bylaws.  
24 However, all receipts and disbursements of funds handled by the  
25 Interstate Commission shall be audited yearly by a certified or  
26 licensed public accountant and the report of the audit shall be  
27 included in and become part of the annual report of the  
28 Interstate Commission.



1 ARTICLE XV

2 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

4 B. The compact shall become effective and binding upon  
5 legislative enactment of the compact into law by no less than ten  
6 (10) of the states. The effective date shall be no earlier than  
7 December 1, 2007. Thereafter it shall become effective and  
8 binding as to any other member state upon enactment of the  
9 compact into law by that state. The governors of nonmember  
10 states or their designees shall be invited to participate in the  
11 activities of the Interstate Commission on a nonvoting basis  
12 prior to adoption of the compact by all states.

13 C. The Interstate Commission may propose amendments to the  
14 compact for enactment by the member states. No amendment shall  
15 become effective and binding upon the Interstate Commission and  
16 the member states unless and until it is enacted into law by  
17 unanimous consent of the member states.

18 ARTICLE XVI

19 WITHDRAWAL AND DISSOLUTION

20 A. Withdrawal

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

25 2. Withdrawal from this compact shall be by the enactment  
26 of a statute repealing the same, but shall not take effect until  
27 one (1) year after the effective date of such statute and until  
28 written notice of the withdrawal has been given by the

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

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

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

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

17 B. Dissolution of Compact

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

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

26 ARTICLE XVII

27 SEVERABILITY AND CONSTRUCTION

28 A. The provisions of this compact shall be severable, and

1 if any phrase, clause, sentence or provision is deemed  
2 unenforceable, the remaining provisions of the compact shall be  
3 enforceable.

4 B. The provisions of this compact shall be liberally  
5 construed to effectuate its purposes.

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

9 ARTICLE XVIII

10 BINDING EFFECT OF COMPACT AND OTHER LAWS

11 A. Other Laws

12 1. Nothing herein prevents the enforcement of any other law  
13 of a member state that is not inconsistent with this compact.

14 2. All member states' laws conflicting with this compact  
15 are superseded to the extent of the conflict.

16 B. Binding Effect of the Compact

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

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

22 3. In the event any provision of this compact exceeds the  
23 constitutional limits imposed on the legislature of any member  
24 state, such provision shall be ineffective to the extent of the  
25 conflict with the constitutional provision in question in that  
26 member state.

27 168.021. 1. Certificates of license to teach in the public  
28 schools of the state shall be granted as follows:

1           (1) By the state board, under rules and regulations  
2 prescribed by it,

3           (a) Upon the basis of college credit;

4           (b) Upon the basis of examination;

5           (2) By the state board, under rules and regulations  
6 prescribed by the state board with advice from the advisory  
7 council established by section 168.015 to any individual who  
8 presents to the state board a valid doctoral degree from an  
9 accredited institution of higher education accredited by a  
10 regional accrediting association such as North Central  
11 Association. Such certificate shall be limited to the major area  
12 of postgraduate study of the holder, shall be issued only after  
13 successful completion of the examination required for graduation  
14 pursuant to rules adopted by the state board of education, and  
15 shall be restricted to those certificates established pursuant to  
16 subdivision (1) of subsection 3 of this section; or

17           (3) By the state board, which shall issue the professional  
18 certificate classification in both the general and specialized  
19 areas most closely aligned with the current areas of  
20 certification approved by the state board, commensurate with the  
21 years of teaching experience of the applicant, and based upon the  
22 following criteria:

23           (a) Recommendation of a state-approved baccalaureate-level  
24 teacher preparation program;

25           (b) Successful attainment of the Missouri qualifying score  
26 on the exit assessment for teachers or administrators designated  
27 by the state board of education. Applicants who have not  
28 successfully achieved a qualifying score on the designated

1 examinations will be issued a two-year nonrenewable provisional  
2 certificate; and

3 (c) Upon completion of a background check and possession of  
4 a valid teaching certificate in the state from which the  
5 applicant's teacher preparation program was completed.

6 2. All valid teaching certificates issued pursuant to law  
7 or state board policies and regulations prior to September 1,  
8 1988, shall be exempt from the professional development  
9 requirements of this section and shall continue in effect until  
10 they expire, are revoked or suspended, as provided by law. When  
11 such certificates are required to be renewed, the state board or  
12 its designee shall grant to each holder of such a certificate the  
13 certificate most nearly equivalent to the one so held. Anyone  
14 who holds, as of August 28, 2003, a valid PC-I, PC-II, or  
15 continuous professional certificate shall, upon expiration of his  
16 or her current certificate, be issued the appropriate level of  
17 certificate based upon the classification system established  
18 pursuant to subsection 3 of this section.

19 3. Certificates of license to teach in the public schools  
20 of the state shall be based upon minimum requirements prescribed  
21 by the state board of education. The state board shall provide  
22 for the following levels of professional certification: an  
23 initial professional certificate and a career continuous  
24 professional certificate.

25 (1) The initial professional certificate shall be issued  
26 upon completion of requirements established by the state board of  
27 education and shall be valid based upon verification of actual  
28 teaching within a specified time period established by the state

1 board of education. The state board shall require holders of the  
2 four-year initial professional certificate to:

3 (a) Participate in a mentoring program approved and  
4 provided by the district for a minimum of two years;

5 (b) Complete thirty contact hours of professional  
6 development, which may include hours spent in class in an  
7 appropriate college curriculum; and

8 (c) Participate in a beginning teacher assistance program;

9 (2) (a) The career continuous professional certificate  
10 shall be issued upon verification of completion of four years of  
11 teaching under the initial professional certificate and upon  
12 verification of the completion of the requirements articulated in  
13 paragraphs (a), (b), and (c) of subdivision (1) of this  
14 subsection.

15 (b) The career continuous professional certificate shall be  
16 continuous based upon verification of actual employment in an  
17 educational position as provided for in state board guidelines  
18 and completion of fifteen contact hours of professional  
19 development per year which may include hours spent in class in an  
20 appropriate college curriculum. Should the possessor of a valid  
21 career continuous professional certificate fail, in any given  
22 year, to meet the fifteen-hour professional development  
23 requirement, the possessor may, within two years, make up the  
24 missing hours. In order to make up for missing hours, the  
25 possessor shall first complete the fifteen-hour requirement for  
26 the current year and then may count hours in excess of the  
27 current year requirement as make-up hours. Should the possessor  
28 fail to make up the missing hours within two years, the

1 certificate shall become inactive. In order to reactivate the  
2 certificate, the possessor shall complete twenty-four contact  
3 hours of professional development which may include hours spent  
4 in the classroom in an appropriate college curriculum within the  
5 six months prior to or after reactivating his or her certificate.  
6 The requirements of this paragraph shall be monitored and  
7 verified by the local school district which employs the holder of  
8 the career continuous professional certificate.

9 (c) A holder of a career continuous professional  
10 certificate shall be exempt from the professional development  
11 contact hour requirements of paragraph (b) of this subdivision if  
12 such teacher has a local professional development plan in place  
13 within such teacher's school district and meets two of the three  
14 following criteria:

15 a. Has ten years of teaching experience as defined by the  
16 state board of education;

17 b. Possesses a master's degree; or

18 c. Obtains a rigorous national certification as approved by  
19 the state board of education.

20 4. Policies and procedures shall be established by which a  
21 teacher who was not retained due to a reduction in force may  
22 retain the current level of certification. There shall also be  
23 established policies and procedures allowing a teacher who has  
24 not been employed in an educational position for three years or  
25 more to reactivate his or her last level of certification by  
26 completing twenty-four contact hours of professional development  
27 which may include hours spent in the classroom in an appropriate  
28 college curriculum within the six months prior to or after

1     reactivating his or her certificate.

2             5. The state board shall, upon an appropriate background  
3     check, issue a professional certificate classification in the  
4     areas most closely aligned with an applicant's current areas of  
5     certification, commensurate with the years of teaching experience  
6     of the applicant, to any person who is hired to teach in a public  
7     school in this state and who possesses a valid teaching  
8     certificate from another state, provided that the certificate  
9     holder shall annually complete the state board's requirements for  
10    such level of certification, and shall establish policies by  
11    which residents of states other than the state of Missouri may be  
12    assessed a fee for a certificate license to teach in the public  
13    schools of Missouri. Such fee shall be in an amount sufficient  
14    to recover any or all costs associated with the issuing of a  
15    certificate of license to teach. The board shall promulgate  
16   rules to authorize the issuance of a provisional certificate of  
17   license, which shall allow the holder to assume classroom duties  
18   pending the completion of a criminal background check under  
19   section 168.133, for any applicant who:

20    (1) Is the spouse of a member of the armed forces stationed  
21    in Missouri;

22    (2) Relocated from another state within one year of the  
23    date of application;

24    (3) Underwent a criminal background check in order to be  
25    issued a teaching certificate of license from another state; and

26    (4) Otherwise qualifies under this section.

27             6. The state board may assess to holders of an initial  
28    professional certificate a fee, to be deposited into the



1 excellence in education revolving fund established pursuant to  
2 section 160.268, RSMo, for the issuance of the career continuous  
3 professional certificate. However, such fee shall not exceed the  
4 combined costs of issuance and any criminal background check  
5 required as a condition of issuance.

6 7. Any member of the public school retirement system of  
7 Missouri who entered covered employment with ten or more years of  
8 educational experience in another state or states and held a  
9 certificate issued by another state and subsequently worked in a  
10 school district covered by the public school retirement system of  
11 Missouri for ten or more years who later became certificated in  
12 Missouri shall have that certificate dated back to his or her  
13 original date of employment in a Missouri public school.

14 170.011. 1. Regular courses of instruction in the  
15 Constitution of the United States and of the state of Missouri  
16 and in American history and institutions shall be given in all  
17 public and private schools in the state of Missouri, except  
18 privately operated trade schools, and shall begin not later than  
19 the seventh grade and continue in high school to an extent  
20 determined by the state commissioner of education, and shall  
21 continue in college and university courses to an extent  
22 determined by the state commissioner of higher education. In the  
23 1990-91 school year and each year thereafter, local school  
24 districts maintaining high schools shall comply with the  
25 provisions of this section by offering in grade nine, ten,  
26 eleven, or twelve a course of instruction in the institutions,  
27 branches and functions of the government of the state of  
28 Missouri, including local governments, and of the government of

1 the United States, and in the electoral process. A local school  
2 district maintaining such a high school shall require that prior  
3 to the completion of the twelfth grade each pupil, who receives a  
4 high school diploma or certificate of graduation on or after  
5 January 1, 1994, shall satisfactorily complete such a course of  
6 study. Such course shall be of at least one semester in length  
7 and may be two semesters in length. The department of elementary  
8 and secondary education may provide assistance in developing such  
9 a course if the district requests assistance. A school district  
10 may elect to waive the requirements of this subsection for any  
11 student who transfers from outside the state to a Missouri high  
12 school if the student can furnish documentation deemed acceptable  
13 by the school district of the student's successful completion in  
14 any year from the ninth through the twelfth grade of a course of  
15 instruction in the institutions, branches, and functions of state  
16 government, including local governments, and of the government of  
17 the United States, and in the electoral process.

18 2. American history courses at the elementary and secondary  
19 levels shall include in their proper time-line sequence specific  
20 referrals to the details and events of the racial equality  
21 movement that have caused major changes in United States and  
22 Missouri laws and attitudes.

23 3. No pupil shall receive a certificate of graduation from  
24 any public or private school other than private trade schools  
25 unless he has satisfactorily passed an examination on the  
26 provisions and principles of the Constitution of the United  
27 States and of the state of Missouri, and in American history and  
28 American institutions. A school district may elect to waive the

1 requirements of this subsection for any student who transfers  
2 from outside the state to a Missouri high school if the student  
3 can furnish documentation deemed acceptable by the school  
4 district of the student's successful completion in any year from  
5 the ninth through the twelfth grade of a course of instruction in  
6 the institutions, branches, and functions of state government,  
7 including local governments, and of the government of the United  
8 States, and in the electoral process. A student of a college or  
9 university, who, after having completed a course of instruction  
10 prescribed in this section and successfully passed an examination  
11 on the United States Constitution, and in American history and  
12 American institutions required hereby, transfers to another  
13 college or university, is not required to complete another such  
14 course or pass another such examination as a condition precedent  
15 to his graduation from the college or university.

16 4. In the 1990-91 school year and each year thereafter,  
17 each school district maintaining a high school may annually  
18 nominate to the state board of education a student who has  
19 demonstrated knowledge of the principles of government and  
20 citizenship through academic achievement, participation in  
21 extracurricular activities, and service to the community.  
22 Annually, the state board of education shall select fifteen  
23 students from those nominated by the local school districts and  
24 shall recognize and award them for their academic achievement,  
25 participation and service.

26 5. [The state commissioner of education and the state  
27 commissioner of higher education shall make arrangements for  
28 carrying out the provisions of this section and prescribe a list

1 of suitable texts adapted to the needs of the school grades and  
2 college courses, respectively.

3 6. The willful neglect of any superintendent, principal or  
4 teacher to observe and carry out the requirements of this section  
5 is sufficient cause for termination of his contract.

6 7.] The provisions of this section shall not apply to  
7 students from foreign countries who are enrolled in public or  
8 private high schools in Missouri, if such students are foreign  
9 exchange students sponsored by a national organization recognized  
10 by the department of elementary and secondary education.

11 173.234. 1. As used in this section, unless the context  
12 clearly requires otherwise, the following terms mean:

13 (1) "Board", the coordinating board for higher education;

14 (2) "Books", any books required for any course for which  
15 tuition was paid by a grant awarded under this section;

16 (3) "Grant", the war veteran's survivors grant as  
17 established in this section;

18 (4) "Institution of postsecondary education", any approved  
19 Missouri public institution of postsecondary education, as  
20 defined in section 173.205;

21 (5) "Survivor", a child or spouse of a war veteran;

22 (6) "Tuition", any tuition or incidental fee, or both,  
23 charged by an institution of postsecondary education for  
24 attendance at the institution by a student as a resident of this  
25 state. The tuition grant shall not exceed the amount of tuition  
26 charged a Missouri resident at the University of Missouri-  
27 Columbia for attendance;

28 (7) "War veteran", a person who served in armed combat in

1 the military and to whom the following criteria shall apply:

2 (a) The veteran was a Missouri resident when first entering  
3 the military service and at the time of death or injury; and

4 (b) The veteran dies as a result of combat action or the  
5 veteran's death was certified by a Veterans' Administration  
6 medical authority to be attributable to an illness that was  
7 contracted while serving in combat, or who became eighty percent  
8 disabled as a result of injuries or accidents sustained in combat  
9 action.

10 2. Within the limits of the amounts appropriated therefor,  
11 the coordinating board for higher education shall award annually  
12 up to twenty-five grants to survivors of war veterans to attend  
13 institutions of postsecondary education in this state, which  
14 shall continue to be awarded annually to eligible recipients as  
15 long as the recipient achieves and maintains a cumulative grade  
16 point average of at least two and one-half on a four point scale,  
17 or its equivalent. If the waiting list of eligible survivors  
18 exceeds fifty, the coordinating board may petition the general  
19 assembly to expand the quota. If the quota is not expanded, then  
20 the eligibility of survivors on the waiting list shall be  
21 extended.

22 3. A survivor may receive a grant under this section only  
23 so long as the survivor is enrolled in a program leading to a  
24 certificate, or an associate or baccalaureate degree. In no  
25 event shall a survivor receive a grant beyond the completion of  
26 the first baccalaureate degree, regardless of age.

27 4. The coordinating board for higher education shall:

28 (1) Promulgate all necessary rules and regulations for the

1 implementation of this section; and

2 (2) Provide the forms and determine the procedures  
3 necessary for a survivor to apply for and receive a grant under  
4 this section.

5 5. Any rule or portion of a rule, as that term is defined  
6 in section 536.010, RSMo, that is created under the authority  
7 delegated in this section shall become effective only if it  
8 complies with and is subject to all of the provisions of chapter  
9 536, RSMo, and, if applicable, section 536.028, RSMo. This  
10 section and chapter 536, RSMo, are nonseverable and if any of the  
11 powers vested with the general assembly pursuant to chapter 536,  
12 RSMo, to review, to delay the effective date, or to disapprove  
13 and annul a rule are subsequently held unconstitutional, then the  
14 grant of rulemaking authority and any rule proposed or adopted  
15 after August 28, 2008, shall be invalid and void.

16 6. In order to be eligible to receive a grant under this  
17 section, a survivor shall be certified as eligible by the  
18 Missouri veterans' commission. In the case of an illness-related  
19 death, such certification shall be made upon qualified medical  
20 certification by a Veterans' Administration medical authority  
21 that the illness was both a direct result of the veteran's combat  
22 service and a substantial factor in the cause of the resulting  
23 death of the veteran.

24 7. A survivor who is enrolled or has been accepted for  
25 enrollment as an undergraduate postsecondary student at an  
26 approved institution of postsecondary education, and who is  
27 selected to receive a grant under this section, shall receive the  
28 following:

1       (1) An amount not to exceed the actual tuition charged at  
2 the approved institution of postsecondary education where the  
3 survivor is enrolled or accepted for enrollment;

4       (2) An allowance of up to two thousand dollars per semester  
5 for room and board; and

6       (3) The actual cost of books, up to a maximum of five  
7 hundred dollars per semester.

8       8. A survivor who is a recipient of a grant may transfer  
9 from one approved public institution of postsecondary education  
10 to another without losing his or her entitlement under this  
11 section. The board shall make necessary adjustments in the  
12 amount of the grant. If a grant recipient at any time withdraws  
13 from the institution of postsecondary education so that under the  
14 rules and regulations of that institution he or she is entitled  
15 to a refund of any tuition, fees, room and board, books, or other  
16 charges, the institution shall pay the portion of the refund to  
17 which he or she is entitled attributable to the grant for that  
18 semester or similar grading period to the board.

19       9. If a survivor is granted financial assistance under any  
20 other student aid program, public or private, the full amount of  
21 such aid shall be reported to the board by the institution and  
22 the eligible survivor.

23       10. Nothing in this section shall be construed as a promise  
24 or guarantee that a person will be admitted to an institution of  
25 postsecondary education or to a particular institution of  
26 postsecondary education, will be allowed to continue to attend an  
27 institution of postsecondary education after having been  
28 admitted, or will be graduated from an institution of

1 postsecondary education.

2 11. The benefits conferred by this section shall be  
3 available to any academically qualified surviving spouse or  
4 children of war veterans. Surviving children who are eligible  
5 shall be permitted to apply for full benefits conferred by this  
6 section until they reach twenty-five years of age.

7 12. Pursuant to section 23.253, RSMo, of the Missouri  
8 sunset act:

9 (1) The provisions of the new program authorized under this  
10 section shall sunset automatically six years after the effective  
11 date of this section unless reauthorized by an act of the general  
12 assembly; and

13 (2) If such program is reauthorized, the program authorized  
14 under this section shall sunset automatically twelve years after  
15 the effective date of the reauthorization of this section; and

16 (3) This section shall terminate on September first of the  
17 calendar year immediately following the calendar year in which  
18 the program authorized under this section is sunset.

19 620.515. 1. This section shall be known and may be cited  
20 as the "[Guard] Hero at Home" program [whose], the purpose of  
21 which is to:

22 (1) Assist the spouse of an active duty national guard or  
23 reserve component service member reservist to address immediate  
24 needs and employment in an attempt to keep the family from  
25 falling into poverty while the primary income earner is on active  
26 duty, and during the one-year period following discharge from  
27 deployment; and

28 (2) Assist returning national guard troops or reserve



1 component service member reservists with finding work in  
2 situations where an individual needs to rebuild business  
3 clientele or where an individual's job has been eliminated while  
4 such individual was deployed, or where the individual otherwise  
5 cannot return to his or her previous employment.

6 2. Subject to appropriation, the department of economic  
7 development shall [enter] operate the hero at home program  
8 through existing programs or by entering into a contract with  
9 qualified providers through local workforce investment boards [to  
10 provide the guard at home program. The department shall develop  
11 the criteria of the contract]. Eligibility for the program shall  
12 be based on the following criteria:

13 (1) Eligible participants in the program shall be those  
14 families where:

15 (a) The primary income earner was called to active duty in  
16 defense of the United States for a period of more than four  
17 months;

18 (b) The family's primary income is no longer available;

19 (c) The family is experiencing significant hardship due to  
20 financial burdens; and

21 (d) The family has no outside resources available to assist  
22 with such hardships;

23 (2) Services that may be provided to the family will be  
24 aimed at ameliorating the immediate crisis and providing a path  
25 for economic stability while the primary income is not available  
26 due to the active military commitment. Services shall be made  
27 available up to one year following discharge from deployment.

28 Services may include, but not be limited to the following:

1           (a) Financial assistance to families facing financial  
2 crisis from overdue bills due to reduced income after the  
3 deployment of a spouse;

4           (b) Help paying day care costs to pursue training and or  
5 employment;

6           (c) Help covering the costs of transportation to training  
7 and or employment;

8           (d) Vocational evaluation and vocational counseling to help  
9 the individual choose a visible employment goal;

10          (e) Vocational training to acquire or upgrade skills needed  
11 to be marketable in the workforce;

12          (f) Paid internships and subsidized employment to train on  
13 the job; and

14          (g) Job placement assistance for those who don't require  
15 skills training;

16          (3) The department shall ensure the eligible providers are:

17           (a) Community-based not-for-profit agencies which have  
18 significant experience in job training, placement, and social  
19 services;

20           (b) Providers with extensive experience providing such  
21 services to veterans and implementing contracts with veteran  
22 organizations such as the department of veteran affairs;

23           (c) Providers which have attained the distinction of being  
24 accredited through a national accreditation body for training and  
25 or human services;

26           (d) Providers which are able to provide a twenty percent  
27 match to the program either through indirect or direct  
28 expenditures; and

1           (e) Providers with experience in the regions targeted for  
2 the program.

3           3. The department shall structure [the] any contract such  
4 that payment will be based on delivering the services described  
5 in this section as well as performance to guarantee the greatest  
6 possible effectiveness of the program.

7           4. Because of the important nature of this program to the  
8 health and welfare of Missourians, this section shall become  
9 effective on July 1, 2006. The department shall make every  
10 reasonable effort to ensure that the [guard] hero at home program  
11 is serving families by August 1, 2006.

12           5. The department shall prepare a report on the operations  
13 and progress of the program to be delivered to the speaker of the  
14 house of representatives and the president pro tem of the senate  
15 no later than January 1, 2007.