

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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January 8, 2013

The Honorable Martin O'Malley
Governor
100 State Circle
Annapolis, MD 21401-1991

The Honorable Thomas V. Mike Miller
President of the Senate
H-107 State House
State Circle
Annapolis, MD 21401-1991

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
State Circle
Annapolis, MD 21401-1991

Dear Governor O'Malley, President Miller, and Speaker Busch:

Pursuant to §7-1303 of the Education Article, the Maryland State Department of Education shall report annually to the Legislatures, Governors, Judiciary, and State Councils of the member states concerning the activities of the Interstate Commission on Educational Opportunity for Military Children during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

In accordance with this requirement, please find attached the agenda for the November 15-17, 2012 Annual Business Meeting of the Interstate Commission on Educational Opportunity for Military Children (MIC3); The MIC3 December newsletter; The States' Status (as of 11/4/2012); and the minutes from the November 13-15, 2011 Commission Meeting (minutes of the 2012 Commission meeting are not yet available).

Maryland was represented at the Annual Meeting listed above by Mary Gable, State Commissioner and voting member of the Interstate Commission. Action taken by the Commission includes action on dues (November 2011) and action on Kindergarten enrollment (November 2012). Attached is the amended Interstate Commission on Educational Opportunity for Military Children Compact (Amended and Effective November 16, 2013) Rules Document. Pursuant to Rule 2-104(d) "The dues formula shall be based on the figure of one dollar per child of military families eligible for transfer under this compact, and beginning in FY 2014 this calculation shall be based upon the State in which each military family reside, except that effective FY 2013, and each year thereafter, no state dues assessment shall exceed the sum of sixty thousand dollars (\$60,000.00) per year and effective FY 2014, and each year thereafter, no state dues assessment shall be less than two thousand dollars (\$2,000.00)." Thus the dues for Maryland for FY 2014 will be \$19,769.00 (dues for FY 2013 were \$15,864.00).

Maryland Public Schools: **#1 in the Nation Four Years in a Row**

At the November 2012 meeting, Rule 3.102(b) was amended and now reads: “*Kindergarten and First grade entrance age*- Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including Kindergarten) from an LEA in the sending state at the time of transition, regardless of age. In the case of a Kindergarten student, the student must have been enrolled **and attended class** in the sending state in order to assure continued attendance in Kindergarten in the receiving state. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.” (Bold indicates language added through amendment).

Also attached is a copy of the agenda of the July 25, 2012 meeting of Maryland’s State Council for the Interstate Compact. Each state must have a State Council that meets annually. Members of Maryland’s State Council include:

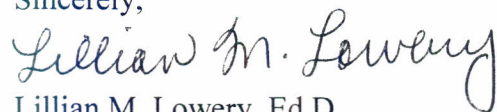
Dr. Robert Tomback, Superintendent, Harford County Public Schools
Colonel Edward C. Rothstein, Garrison Commander, Fort George G. Meade
The Honorable John Astle, District 30, Anne Arundel County
The Honorable Anne Kaiser, Delegate, District 14, Montgomery County
Ms. Sarah E. Bonise, Director, CYS Services School Support/School Liaison
Ms. Carol Mohsberg, NSA Annapolis School Liaison Officer
Ms. Flavia Walton, Military Family Representative
Ms. Lucia Martin, Resource Counselor, Anne Arundel County Public Schools
Ms. Jeanette Ortiz, State Council Member
Mr. Michael Linkins, Specialist, School Counseling
Mr. William Cappe, Specialist, Division of Academic Policy
Mrs. Mary L. Gable, Assistant State Superintendent, Division of Academic Policy and Maryland Commissioner of the Interstate Compact

The State Council is chaired by Mrs. Mary L. Gable, Assistant State Superintendent, Division of Academic Policy and Maryland Commissioner of the Interstate Compact. Should you have any questions regarding this report, please feel free to contact me at 410-767-0462 or Mary Gable at 410-767-0473. You may also find more information on the Maryland State Department of Education’s website:

<http://www.marylandpublicschools.org/MSDE/programs/brac/> or on MIC3’s website:
<http://mic3.net/index.aspx>.

Thank you for your support of the children of military families who attend Maryland schools.

Sincerely,



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

LML:ds
Enclosure

C: Lt. Governor Anthony Brown
Mary L. Gable



Interstate Commission on Educational Opportunity for Military Children

**2012 Annual Meeting
November 15 - 17, 2012**

The Francis Marion Hotel, Charleston, South Carolina

(All times subject to change at the discretion of the Chairperson)

Thursday - November 15, 2012

1:00 – 4:00 p.m. **Commissioner Orientation/State Council Organization– Rutledge Room**
Introduction for New Member States, all Commissioners are welcome to attend

- **History of the Commission – Rick Masters and BG(R) Norman Arflack**
 - Role of Interstate Commission and Compact Commissioners
 - Commission Administration and Operation
 - Committee Structure and Function

- **State Council Coordination and Promotion of the Interstate Compact**

Kathy Berg (HI)
Cheryl Serrano (CO)
Pam Deering (OK)
Rosemarie Kraeger (RI)
Anne Wescott (VA)

4:00 p.m. **Registration Open – Upper Lobby**

4:00 – 4:30 p.m. **Executive Committee Meeting – Room 218, Office**

5:00 – 6.30 p.m. **Welcome Reception– Upper Lobby**

*Cash Bar and light Hors D'Ourves
Casual Attire*

Friday - November 16, 2012

7:30a.m. **Breakfast –Buffet outside Gold Room**

8:30 a.m. **Welcome & Call to Order** (*Business Attire*)

- Orders of the Day
- Roll Call -- (BG (R) N Arflack)

- Instructions to Commissioners
- Overview of Agenda
- Approval of the Minutes from 2011 MIC3 Annual Meeting

9:00 a.m. **Executive Committee Report** – *Kathleen Berg, Acting Chairman, Commissioner – Hawaii*

- **Legal Counsel**
 - State Dues – *Rick Masters*
- **Executive Directors Report** – (BG (R) Norman Arflack, Executive Director – MIC3)

Standing Committee Updates

- **Compliance Committee** – *Mike Reed, Commissioner – Alabama*
- **Rules Committee** – *Mary Gable, Commissioner – Maryland*
 - Public Comment Period - *Rules changes to be discussed*
 - Proposed Rule Change – Rule 3.102

10:30 a.m. – 11:00 a.m. **Break**– **Colonial Ballroom**

Standing Committee Updates (cont'd)

- **PR and Training Committee** – *Rosemarie Kraeger, Commissioner – Rhode Island*
- **Finance Committee** – *Pam Deering, Commissioner – Oklahoma*
 - Audit
 - Current Budget Standing
 - Action Item (FY'14 Budget/Assessments)
 - Reside databases

12:15 p.m. **Lunch** – **Calhoun Room**

1:15 p.m. **Presentation** – *The Interstate Compact in Hawaii: Part of a Long-standing System of Supports to Military Children*

Darren Dean, Military Family Education Liaison in Hawaii
Cherise Imai, Military Liaison, Hawaii State Department of Education
Fred Murphy, Principal, Wheeler Elementary School, Wheeler Army Airfield

2:15 p.m. **Breakout Sessions** (opportunity for open frank discussion regarding issues and concerns of the respective states)

(Refreshments will be available for an hour between 2:15 – 3:15)

*Breakout 1 - Facilitator – Kate Wren Gavlak, California, MIC3 Commissioner – **Laurens Room***
California, Illinois, Kentucky, North Dakota, Pennsylvania, Rhode Island, South Carolina, Utah, Washington

*Breakout 2 - Facilitator -- Tom Rutan, Ohio, MIC3 Commissioner – **Rutledge Room***
Alabama, Arizona, Delaware, Maryland, Nevada, North Carolina, Ohio, Oklahoma, Tennessee

*Breakout 3 - Facilitator – Loren Scheer, South Dakota, MIC3 Commissioner– **Drayton Room***
Florida, Hawaii, Kansas, Maine, Nebraska, South Dakota, Texas, Vermont, Virginia, Wyoming

*Breakout 4 - Facilitator – Judene Blackburn, Missouri, MIC3 Commissioner – **Gold Room***
Colorado, Connecticut, Georgia, Massachusetts, Missouri, New Jersey, New Mexico, West Virginia, Wisconsin

4:30 p.m. **Recess**

4:30 p.m. – 5:00 p.m. **Executive Committee Meeting – Room 218, Office**

5:30 p.m. – 7:00 p.m. **Commission Reception – Carolina A (Casual Attire)**

Saturday - November 17, 2012

7:30 a.m. **Breakfast–Buffet outside Gold Room**

8:30 a.m. **Call to Order**

8:45 a.m. **Election of new officers**

9:00 a.m. **Breakout Session Reports/Group Discussions**

10:30 am **Brunch – Calhoun Room**

12:00 p.m. **Newly Formed Committee Meetings – Breakout rooms available**

1:00 p.m. **Old Business**

1:30 p.m. **Meeting Summary and Next Steps**

2:00 p.m. **Closing Comments – Final Adjournment**

December 2012

MIC3...NEWS, VIEWS AND TRANSITIONS

Newsletter for the Interstate Commission on Educational Opportunity for Military Children

2012 MIC3 ANNUAL MEETING A BIG SUCCESS

By W. John Matthews III, MIC3 Program Specialist



The Interstate Commission on Educational Opportunity for Military Children recently hosted their Fifth Annual Commission Meeting on November 15-17, 2012 in Charleston, South Carolina. The Commission meeting, led by Acting Commission Chair Kathleen Berg of Hawaii, was attended by 37 of the 43 member states. Also in attendance were ex-officio members of the Commission and other interested parties having business or association with the Commission.

The meeting began on Thursday, November 15th, with the Commissioner Orientation Session. The training was open not just to the new commissioners, but to all who wanted a better understanding of the Interstate Compact, the Commission, State Council composition, and how the Compact is applied. The new training and power point was developed and led by a group of veteran commissioners (Rosemarie Kraeger (RI), Kathleen Berg (HI), Cheryl Serrano (CO) Pam Deering (OK), Anne Wescott (VA)), the MIC3 Executive Director BG Norman Arflack, and MIC3 General Counsel Rick Masters. The training was extremely well attended. All Commissioners and attendees of the meeting were given a copy of the new MIC3 Toolkit. The Toolkit contains a multitude of materials that the commissioners and state councils can utilize to promote the Interstate Compact. Experienced commissioners even remarked on the improvement of the training from the previous year.

The business portion of the meeting took place on November 16th and 17th. The Commission voted to approve a rule change to Rule 3.102(b) of the Rules of the Interstate Commission, defining "Kindergarten enrollment." This change was made effective immediately.

The issue was the meaning of the word "enrollment" in regards to kindergarten children. A prior MIC3 Advisory Opinion pointed out that because the term 'enrollment' is not defined in either the Compact or the rules this proposed amendment is necessary to avoid recourse to the common use of the word as defined in the dictionary. The Executive Committee submitted that without this amendment an overly broad application of the rule may result. The amendment provides clarification that entering kindergarteners (who, unlike students in grades 1-12, have not completed a prerequisite grade level), must also have at least attended one (1) class as a kindergartner in order to 'continue their enrollment' as provided under the Compact. It was recommended that the change be made to avoid any future misunderstandings and maintain the original intent of the rule. The change is meant to be a floor not a ceiling, allowing the member states to be more flexible if they so desire.

2012 MIC3 ANNUAL MEETING *continued on page 5...*

IN THIS ISSUE

- Message from the Executive Director
- Message from the Commission Chair
- Legislative Session 2013
- Spreading the Word: Wisconsin
- The Legal Brief
- North Dakota: A School Liaison Perspective
- Commissioners: Getting to Know
- Georgia - MG(R) David Bockel
- Illinois - Brian Reigler



MESSAGE FROM THE EXECUTIVE DIRECTOR

BG(Ret.) Norman E. Arflack, MIC3 Executive Director

As we close out another successful year, I want to thank you for taking the time from your busy schedule to review the "holiday" edition of our MIC3 newsletter. As I take this opportunity to wish all of you a Merry Christmas and prosperous New Year, I would be remiss if I failed to mention that my thoughts and prayers are with all who are affected by the recent tragedy in Newtown, Connecticut.

We, at the National Office have been very busy since our last publication. Most notably, we held our annual meeting in Charleston, South Carolina in November. State representation was outstanding. The Commission completed some very important business during their meeting. We dealt with one major rules change which will impact the future operation of the organization.

Commissioner Kathy Berg who had been serving as acting Chairman following Mark Needham's resignation, was elected to a full term as Chairman. Additionally, the FY14 budget was presented and approved. The document will be validated at the end of this Fiscal Year to insure that we in the National Office are being good stewards of the Commission's financial resources. Pam Deering, MIC3 Treasurer and Commissioner from Oklahoma, presented the first external audit of the Commission's financial practices.

A number of states volunteered to host next year's conference which will be held in the November timeframe. We are in the process of reviewing those recommendations and with the assistance of respective Commissioners will be visiting the prospective venues to discuss the advantages of each. I anticipate that we will be able to select sites for the next two years at a minimum. Thanks for all your support!

This time last year our membership stood at 39 states. What a great year it has been as our numbers have grown to 43. We look forward to a busy year in 2013 as we work with our DoD partners to grow our membership with recruitment of the remaining 7 states and the District of Columbia.

Our MIC3 mission is to assist military children in four key areas; enrollment, eligibility, placement and graduation as they transition from one school system to another. The governors of the forty-three member states have or will soon appoint a Commissioner and State Council, who are critical to the resolution of any issues that may arise as a result of these transitions. It has been my pleasure to visit many of you during your state council meetings; I look forward to that opportunity in 2013. It is our pleasure as your staff at the National Office to provide support and assistance to the Commissioners and Councils.

We are excited about the opportunity to minimize educational barriers to children of the members of our armed forces who have given so much in service to our great nation.

Please visit our website, www.mic3.net, to learn more about our organization and what we are doing to facilitate this important cause.



MESSAGE FROM THE COMMISSION CHAIR

Kathleen Berg, MIC3 Chair, Hawai'i Commissioner

The Interstate Commission on Educational Opportunity for Military Children—nicknamed the Military Interstate Children's Compact Commission or MIC3—had a very productive annual meeting just a few weeks ago. With commissioners now back at home and the holidays upon us, we want to remember all the good things learned to apply to each of our state's efforts to carry out the promise of the compact to ease the transitions of military dependent students from state-to-state and school-to-school as their military parents' service requires them to move. This military service often requires separation from families, as well, and during this holiday season our hearts go out to those families who have parents deployed, away from home and loved ones. Holidays are a time for families to be together, so we wish for all to stay safe and connected in some way over the distances.

We offer our deep-felt gratitude to those who serve our nation and endure the sacrifices to self and family that often entails. Please know that you and your families are in our thoughts, and MIC3 is dedicated to supporting our military children. If MIC3 can help in any way, we hope families will not hesitate to contact their state commissioners or the MIC3 national office.



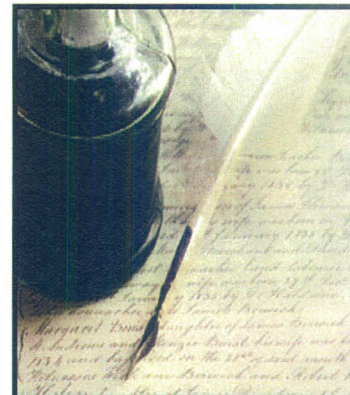
Happy Holiday from all of us, and for 2013 we wish you a very Happy New Year.

A LOOK AHEAD: LEGISLATIVE SESSION 2013

By *W. John Matthews III, MIC3 Program Specialist*

The 2013 Legislative Session is fast approaching. Seven states remain that have not adopted the Interstate Compact into state law. The Commission and National Office have already started working diligently with our Department of Defense partners. Session for many of these non-member states will begin in January. The National Office will be tracking this legislation once it is introduced.

The states that have yet to adopt the Interstate Compact include: Arkansas, Idaho, Minnesota, Montana, New Hampshire, New York and Oregon. The two largest military populations still outstanding are Arkansas and New York. Four of these (AR, MT, NH, and NY) should have legislation introduced early in 2013. Executive Director Norman Arflack and General Council Rick Masters have already made visits to Arkansas and Montana to advocate on behalf of the Interstate Compact.



Arkansas State Senator Eddie Joe Williams has indicated that he would sponsor a bill for Arkansas to recognize the Interstate Compact on Educational Opportunity for Military Children. Sponsors for the Interstate Compact legislation are being identified by our DoD partners.

Before we start tracking new legislation, there is still some outstanding legislation from 2012. The District of Columbia, while not a state, can adopt the Interstate Compact. Currently their legislation (B19-0328), has completed public hearing and has passed first readings. Second readings are scheduled for December 18 at 10 AM in the Council Chambers. If the Council approves the Bill at second reading, the Bill is then sent to the Mayor for his consideration. The Mayor may take one of three actions when he considers the Bill: 1) sign the legislation; 2) allow the legislation to become effective without his signature; or 3) disapprove the legislation by exercising his veto power. If the Mayor vetoes the legislation, the Council must reconsider the legislation and approve it by two-thirds vote of the Council in order for it to become effective. Once the Mayor has approved the legislation or the Council has overridden the Mayor's veto, the legislation is assigned an Act number.

Although at this point the Bill has effectively become an Act, its journey to becoming a law that must be obeyed by the populace is not yet complete. Unique to the District of Columbia, an approved Act of the Council must be sent to the United States House of Representatives and the United States Senate for a period of 30 days before becoming effective as law (or 60 days for certain criminal legislation). During this 30-day period of congressional review, the Congress may enact into law a joint resolution disapproving the Council's Act. If, during the 30-day period, the President of the United States approves the joint resolution, the Council's Act is prevented from becoming law. If, however, upon the expiration of the 30-day congressional review period, no joint resolution disapproving the Council's Act has been approved by the President, the Bill finally becomes a Law and is assigned a law number.



There is also one member state that will be reapproving the Interstate Compact in 2013: Florida. Florida Commissioner Bob Buehn is working with Florida legislature to get this done.

The Commission and National Staff is committed to getting every state on board. Currently, 96 percent of the active duty military children are covered. We look forward to making that 100 percent.

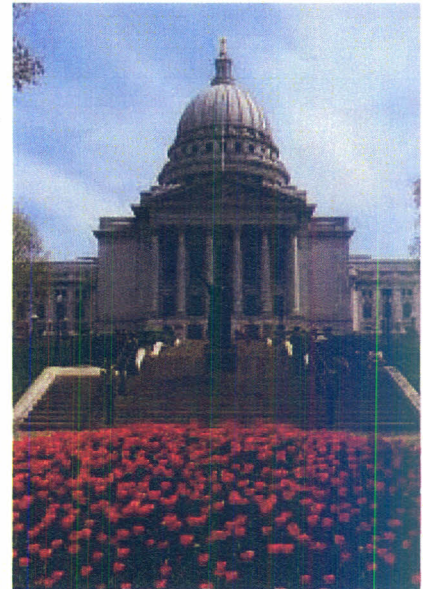


SPREADING THE WORD: WISCONSIN

by Shelley Joan Weiss, Wisconsin MIC3 Commissioner

The members of the Wisconsin Council for the Interstate Compact are enthusiastic about spreading the word about the great work that our Council and MIC3 does for and on behalf of the military children. The WI Council meets a minimum of twice each year, but between meetings the members communicate extensively with each other, sharing information and keeping each other informed. The WI Council is using a variety of methods to share the work of the WI Council and of MIC3. Following are some ideas and activities they use to spread the word:

- Website that is updated frequently
- Featured articles on State Superintendent Tony Ever's online newsletter
- Tweets that are shared widely to direct folks to the state and national website
- Dissemination of materials through the Department of Military Affairs (DMA) at various family activities
- Dissemination of materials through the state School Liaison Officer based at Fort McCoy
- Collaborating with the state affiliate of the USO to share materials at events like the Brewer's Military Appreciation night
- Encouraging connections with well known groups such as the Green Bay Packers
- Working directly with the various educational groups to present and share materials at annual conferences such as: Wisconsin Association of School Boards, Wisconsin School Counselors Association, Association of Wisconsin School Administrators, Wisconsin Association of School Councils, Wisconsin Association for Middle Level Education, and others.
- Participating in training offered through MCEC and DMA affiliated organizations and sharing information with other participants
- Sharing MIC3 brochures and state commissioner contact information during school visits across the state
- Using list serves through the Department of Public Instruction (DPI) and other associations and agencies to share information with a wide group of individuals
- Posting brochures and state commissioner contact information in locations that military families frequent
- Connecting members of the education and military community to support joint messages to the various publics
- Creating "op eds" to promote special occasions such as month of the Military Child
- Sharing resources used by MCEC to support military children (e.g., book, Building Resilience in Children and Teens by Dr. Kenneth Ginsburg) with Council members and others



We hope that these ideas are useful to others. We are very eager to learn what Commissioners and Council Members from other states are doing to advocate for the children of military families! Please submit your ideas to MIC3 so everyone can benefit from your creativity!



2012 MIC3 ANNUAL MEETING (Continued from Page 1)

At the start of the afternoon session, the Commission had a special presentation by Darren Dean, Military Family Education Liaison in Hawaii, Cherise Imai, Military Liaison, Hawaii State Department of Education, and Fred Murphy, Principal, Wheeler Elementary School, Wheeler Army Airfield. Their presentation consisted of highlighting the uniqueness of the Hawaii State Council and the application of the Compact. They also accented programs that help military children and their families acclimate to the constant change presented by the lifestyle of the military. These programs have helped to ease student transition and welcome them to their new home Hawaii.



After the presentation, Commissioners and Ex-Officio members were divided into four breakout groups to discuss questions submitted prior to the meeting. These included:

- What do you do in your state that might be considered a “best practice?”
- What is the status of implementation of the Interstate Compact in your state?
 - o Commissioner appointed?
 - o State Council formed? Held meetings?
 - o Military Family Education Liaison selected?
 - o Implementation plan/training program initiated?
 - o Other?
- How does your state educate school and district staffs about the compact and its rules?
- What has been your state’s experience with reciprocity on exit exams for graduation?
- How have your schools dealt with graduation with diplomas from the sending states?
- How can we involve the National Guard more?
- Many school districts around the nation maintain that they already make the accommodations that are required in the Compact, so ask what is the advantage of being a member, especially since it involves paying dues. How do you answer that question?

Business on Saturday was composed of the election of Commission officers, committee assignments and committee meetings. The new Commission Officers are Chair Kathleen Berg (HI), Vice Chair Kate Wren Gavlak (CA), and Treasurer Pam Deering (OK). Committee Chairs for 2012-13 are Pam Deering (OK) - Finance, Mary Gable (MD) – Rules, Laura Anastasio (CT) – Compliance, and Rosemarie Kraeger (RI) – PR and Training.

A special thanks goes out to the Air force Sergeants Association who sponsored on of the breaks during the Annual Meeting. John R. “Doc” McCauslin, Chief Executive Officer, made presentations to General Arflack and Kathy Berg for their hard work advocating on behalf of military families and their children.

The Commission business was concluded with the nomination of several locations for the 2013 MIC3 Annual Meeting. The MIC3 staff was charged with researching the locations to determine the logistical viability for the various locations. The Staff would then submit the locations back to the commission for final approval of a location.

UPCOMING EVENTS

December 20	Kentucky State Council Meeting
January 2	New Hampshire Session begins
January 7	Montana Session begins
January 8	Minnesota Session begins
January 14	Arkansas Session begins
	Idaho Session begins
January 29	Maine State Council Meeting, Portsmouth Naval Shipyard
February 4	Oregon Session begins
February 15	Georgia State Council Meeting

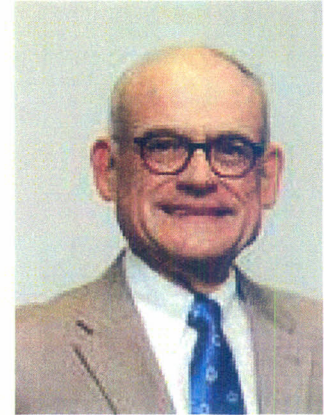


THE LEGAL BRIEF

By Rick Masters, MIC3 General Counsel

An Important Legal Victory for Interstate Compacts

As an interstate compact which is not required to have the approval of Congress, MIC 3 and other such compacts, as discussed in a previous issue of the newsletter, do not enjoy the status of federal law. However as an interstate compact the Contract Clause of the Constitution clearly forbids states from 'impairing the obligation of contracts' (See U.S. Constitution, Art. I, Sec. 10, Cl. 1) including interstate compacts such as MIC 3. In a significant published decision in July of this year, the California Court of Appeals reaffirmed this principle when the Court was called upon to review certain provisions of the Multistate Tax Compact to which the State of California was a member.



The compact which was drafted in 1967 has been adopted by 19 states and promotes interstate uniformity among state revenue departments. The compact requires member states to equally consider a company's sales, property and payroll taxes when determining what percentage of the company's income is taxable. The compact also allows companies to apportion their taxable income under state laws if those are more generous.

California, which joined the agreement through legislative action in 1974, followed the compact's formula until 1993, when the state's legislature passed a bill that modified the existing formula, resulting in higher taxes for out-of-state companies. Gillette, Proctor and Gamble and other multi-state companies that conduct business and pay taxes in California challenged the legality of this action in 2010.

According to those challenging the validity of this statute, this action of the Legislature violated the above referenced Contract Clause of the U.S. Constitution, and an equivalent provision of the California Constitution by 'impairing the obligations of contracts,' namely the applicable provisions of the Multistate Tax Compact. In a unanimous ruling in the case, *The Gillette Company v. The Franchise Tax Board*, California's First District Court of Appeals concluded, "because the Compact is both a statute and a binding agreement among sovereign signatory states, having entered into it, California cannot, by subsequent legislation, unilaterally alter or amend its terms."

While the case primarily addressed California's method of collecting and allocating tax dollars from companies that do business across state lines, it brought into question a state's ability to unilaterally amend the terms of a compact it has joined.

Significance for MIC3

The court's ruling represents a significant victory for states broadly and interstate compacts specifically. In the decision, the court unequivocally held that an interstate compact, even one without Congressional consent, trumps conflicting state law based upon the Contract Clause of the U.S. Constitution. The decision reinforces the principle that when states elect to join an interstate compact, the compact takes legal precedence over conflicting state laws, even if the state law was passed subsequent to the adoption of the compact.

Just as importantly for interstate compacts, the court's ruling reinforces prior compact jurisprudence which precludes a state from unilaterally modifying the terms of a compact, as long as it is part of existing state law. The ruling also suggests that all member states of a compact are equal. While interstate compacts inhibit a state's ability to act unilaterally, they allow states to work together to maintain collective sovereignty.

The notion of collective sovereignty is maintained by the appellate court ruling and illustrates as well as upholds another significant advantage provided to states by interstate compacts.



NORTH DAKOTA: A SCHOOL LIAISON PERSPECTIVE

By Matthew Balas, School Liaison Officer, Minot Air Force Base

In the spring of 2011, I began my work at the Minot AFB as the School Liaison Officer. Surprisingly, I was immediately thrown into the world of politics, with an emphasis on the Interstate Compact for Education Opportunities for Military Children. Our statewide coalition consisted of Air Force members and their families, community leaders, local legislators, and miscellaneous MIC3 supporters. Their mission was to go for broke and make any effort necessary for HB 1248 to pass and be enacted so that the state of North Dakota could become a member of MIC3. Not having any familiarity with the Compact, I hit the ground running and quickly began researching the information on the MIC3 website, along with collecting anecdotal evidence from local MIC3 supporters. Through my research, I found two important facts that were stumbling blocks for the possibility of passing the proposed bill. First, during the 2009 legislative session, this bill was proposed and did not pass through the senate. Secondly, many members of the legislation and education system did not support the concept of having outside entities dictate what the schools could or couldn't do with our military children inside our educational system.



With the attitude that our schools already take care of our children, the 2011 legislative session was proving to be an uphill battle for the passing of the bill. I had researched, campaigned for local support and researched more, and finally the day came for legislative testimony. The room was overflowing with state supporters, military members and their families, political supporters, and even a group of military children. After hours of testimony, both in favor of MIC3 and a few opposed the bill, I was convinced that we would prevail in these efforts that were focused on providing military children the same opportunities as every other child. It is not the military child's choice that they at times are not treated fairly based on a parent's decision to serve his/her country. Returning to Minot after the hearing, my confidence quickly began to fade as I started hearing rumblings that the bill wasn't going to pass. A few days later, the legislative committee published that they were recommending a "no pass" of HB 1248.

Although my spirit was broken, I witnessed true coalition building on a statewide level. The national MIC3 office remained positive as did many of the local supporters, while military entities banded together and provided a united front. The North Dakota National Guard advocated for the bill and overwhelmingly took the lead and stood with the Minot and Grand Forks Air Bases in support of our military children across the state, even though the Interstate Compact has minimal impact on National Guard members and their families. The National Guard led the way for the next eleven sub-committee hearings and fought the fight for the children. The ND National Guard has an incredible deployment record having provided in excess of 4,000 members to support efforts around the world during the past 10 years in support of the Global War on Terror and other worldwide missions. They understood the need to take on a noble cause for all branches of the service, both active duty and traditional drilling members of the guard and reserve. It was about North Dakotan's doing the right thing for children.

The continued persistence of the leadership of the ND National Guard, the Air Base Commands, and many other critical Compact supporters across the state, succeeded in the final passage of the bill. The prevailing winner was not particular people or legislators or even ranking military officials. The benefactors of HB 1248 are the thousands of military youth across our nation. They are now guaranteed equitable treatment while transitioning to North Dakota schools. North Dakota became a proud member of the Interstate Compact that spring and joins the ranks of the many states who believe that our future leaders of tomorrow are worth taking care of today.

Although the National Guard doesn't have as many children affected by frequent moves and relocations as the active duty uniformed services, there still are situations where National Guard members are activated and their children meet the qualifications to receive benefits stated within the Compact. Since the National Guard and Reserves had played such an active role in the Global War on Terror, the numbers of military children that are entitled to receive educational benefits through the has grown rapidly. Whether these NGR children change schools to go live with an in-state relative or an out-of-state guardian while their parent has been activated and deployed, the Compact member states need to ensure that their state NGR leaders are informed about the Compact so that these military children are afforded all of their legal rights as described in the Compact. Taking care of the military children is what the Compact is all about and engaging with NGR leadership is imperative for all member states.

MIC3 COMMISSIONERS: Getting to Know

GEORGIA - Maj. Gen (Ret.) David Bockel



Major General (Ret.) David R. Bockel was appointed the Commissioner for the State of Georgia in October 2012 by Governor Nathan Deal. General Bockel is the executive director of the Georgia Military Affairs Coordinating Committee (GMACC).

Bockel was most recently Executive Director of the 68,000-member Reserve Officers Association of the United States (ROA). ROA partners with federal leaders to develop and execute legislation and military policies that will promote strong national security, especially as they relate to sustaining both the Reserve and National Guard forces.

Bockel retired from the Army Reserve in 2003 after a 37-year military career, including a tour in Vietnam with the 25th Infantry Division and the 199th Infantry Brigade. His command positions held include: Commanding General, 90th Regional Support Command; Deputy Commanding General (IMA) of United States Army Reserve Command; Commander, US Army Reserve Readiness Command; and Deputy Commanding General of the 311th Theater Signal Command.

Bockel's civilian career included owning a successful advertising company in Atlanta, Ga. as well as being active in numerous business, civic, and military organizations in the city. Bockel holds a Bachelors of Science in Marketing from the University of Alabama, as well as being a graduate of the U.S. Army Command and General Staff College and the U.S. Army War College.

Bockel is married with two children, both of whom are Georgia residents.



ILLINOIS - Brian Reigler



Brian Reigler serves as the Commissioner from Illinois to the Military Interstate Children's Compact Commission (MIC3) and the chair of the Illinois Educational Opportunities for Military Children Council (IEOMCC), also known as the P-20 Council. Unlike other states, the State Council appoints with the governor's approval.

Principal Reigler brings his experience as a principal, a teacher, a high school administrator, and over 26 years of military experience to the Commission. Previous to his being appointed principal of the Waukegan High School in 2012, Mr. Reigler served as the principal of Crete-Monee High School since 2009, and Herscher High School from 2004-2009.

Additionally, Mr. Reigler goes about his day with the following quote in mind: "Excellence is the result of caring more than others think is wise, risking more than others think is safe, dreaming more than others think is practical, and expecting more than others think is possible."

As a naval officer, Mr. Reigler was deployed for one year to Baghdad, Iraq during the 2007-2008 school year to serve as a military liaison to the senior leadership within the Iraqi Government. It was here in the middle of a combat zone, he developed a more keen and dedicated sense of leadership that he brings to Waukegan High School. "Being over there with all that I witnessed on a daily basis forces you to reexamine who you really are and what you are doing with your life. I returned from overseas a much more patient and dedicated leader in my mind," Reigler states. Mr. Reigler's proven ability to work with diverse social and educational groups and his military background made him an ideal fit to serve as the MIC3 Commissioner.

Mr. Reigler received a Bachelor of Arts degree in History and Geography from Valparaiso University. He also has a Master's degree in Educational Administration and Policy Studies from the University of Illinois at Chicago. He is currently completing his doctoral degree in Educational Leadership at Northern Illinois University.

State Status (as of 11/4/2012)

State	Bill / Statute Number	Primary Sponsor	Status
Alabama	HB 343	Rep. Craig Ford	Signed by the Governor 5/18/09
Alaska			Signed by the Governor 5/15/09
Arizona	HB 2720 SB 1334	Rep. Lynne Pancrazi Sen. Timothy S. Bee	Signed by the Governor 4/28/08
Arkansas			
California	AB 1809	Saldana, Lieu	Signed by the Governor 10/12/09
Colorado	HB 1317	Rep. Marsha Looper	Signed by the Governor 6/05/08
Connecticut	HB 5545	Rep Ted Graziani	Signed by the Governor 5/12/08
Delaware	HB 297	Rep. Nancy H. Wagner	Signed by the Governor 6/11/08
Florida	HB 1203 SB 2546	Rep. William Proctor Sen. Ronda Storms	Signed by the Governor 6/23/08
Georgia	SB 227	Sen. Ed Harbison Rep. John Yates	Signed by the Governor 4/25/12
Hawaii	HB 3124 HB 3026 SB 2877 SB 3046	Rep. Calvin K.Y. Say Rep. K. Mark Takai Sen. Norman Sakamoto Sen. Colleen Hanabusa	Signed by Governor 6/25/09
Idaho			
Illinois	HB 4674	Rep. Holbrook	Signed by the Governor 6/28/10
Indiana	HB1107 SB510	Rep. Tincher Sen. Wyss	Signed by the Governor 4/20/09
Iowa	HB 214	Rep. Zirkelbach (no longer in Legislature)	Signed by the Governor 3/26/09
Kansas	HB 2714	Rep. Sydney Carlin	Signed by the Governor 4/9/08
Kentucky	HB 244 SB 68	Rep. Robert Damron Sen. Tom Buford	Signed by the Governor 4/10/08
Louisiana			Signed by the Governor 7/1/09
Maine			Signed by the Governor 6/16/09
Maryland	HB 784 SB 457	Delegate Ann Kaiser Sen. John C. Astle	Signed by the Governor 5/19/09
Massachusetts	SB 2254		Signed by the Governor 5/31/12
Michigan	HB 5960	Rep. Gino Polidori	Signed by the Governor 6/11/08
Minnesota			



<u>State</u>	<u>Bill / Statute Number</u>	<u>Primary Sponsor</u>	<u>Status</u>
Mississippi	SB 2704	Sen. Videt Carmichael	Signed by the Governor 3/18/09
Missouri	HB 1678	Rep. David Day	Signed by the Governor 6/11/08
Montana	HB 257	Rep. Davis Niss	
Nebraska	LB 575/575A	Sen. Scott Price	Signed by the Governor 5/17/2011
Nevada	BDR 34-186	Sen. Dennis Nolan	Signed by the Governor 6/04/09
New Hampshire	HB 1261 AM	Committee on Education	
New Jersey	A2640	Assemblymen L. Harvey Smith	Signed by the Governor 1/17/10
New Mexico	HB 311	Rep. Cote	Signed by the Governor 2/19/10
New York	AB 2141 SB 2538	Rep. Michael Benedetto Sen. Michael Ranzehofer	
North Carolina	SB 1541	Rep. Grier Martin	Signed by the Governor 8/07/08
North Dakota	HB 1248	Rep. Kim Koppelman	Signed by the Governor 5/17/2011
Ohio	SB 351	Sen. Robert Spada	Signed by the Governor 7/15/09
Oklahoma	HB 2507	Rep. Ann Coody	Signed by the Governor 6/06/08
Oregon			
Pennsylvania	SB 159	Sen. Robert Robbins	Signed by the Governor 2/2/12
Rhode Island	SB 2738	Se. DiPalma	Signed by the Governor 6/22/10
South Carolina	HB 3411 / SB 319	Rep. Smith /Sen. Leventis	Signed by the Governor 6/11/10
South Dakota	SB 125	Sen. Ed Olson	Signed by the Governor 3/24/10
Tennessee	HB1911 / SB1997	Rep. Johnson Sen. Norris	Signed by the Governor 6/23/10
Texas	HB174 /SB90	Rep. King Sen. Van de Putte	Signed by the Governor 5/05/09
Utah	HB 2918 SB 6426	Rep. Gregory Hughes Sen. Margaret Dayton	Signed by the Governor 5/07/09
Vermont	HB38	Rep. Maxine Jo Grad	Signed by the Governor 5/24/2011
Virginia	HB 395	Delegate Mark Cole	Signed by the Governor 3/27/09
Washington	HB 2918 SB 6426	Rep. Deb Wallace Sen. Steve Hobbs	Signed by the Governor 5/07/09
West Virginia	HB 2550	Rep. Richard Inquinta	Signed by the Governor 3/23/2011
Wisconsin	SB 681	Sen. John Lehman	Signed by the Governor 5/13/10



<u>State</u>	<u>Bill / Statute Number</u>	<u>Primary Sponsor</u>	<u>Status</u>
Wyoming	SB 78	Rep. Pete Illoway Sen. Hastert	Signed by the Governor 3/9/12
American Samoa			
Guam			
N. Mariana Islands			
Puerto Rico			
US Virgin Islands			
District of Columbia			





MINUTES OF THE INTERSTATE COMMISSION ON EDUCATION FOR MILITARY CHILDREN
HELD IN LOUISVILLE, KENTUCKY 13-15 NOVEMBER 2011

PRESENT	Mark Needham	Kentucky	Chairperson Vice Chair Treasurer
	Kathleen Berg	Hawaii	
	Pam Deering	Oklahoma	
	Mike Reed	Alabama	
	LTC Grant Sullivan	Alaska	
	Maxine Daly	Arizona	
	Cheryl Serrano	Colorado	
	Laura Anastasio	Connecticut	
	Susan Haberstroh	Delaware	
	Bob Buehn	Florida	
	Sam McGowen	Illinois	
	Tom Beasley	Iowa	
	Ronald Walker	Kansas	
	Rodney Painting	Louisiana	
	Mary Gable	Maryland	
	Col Dan Leatherman	Michigan	
	Judene Blackburn	Missouri	
	Tim Callicutt	New Mexico	
	David Phillips	North Carolina	
	LTC Davina French	North Dakota	
	Tom Rutan	Ohio	
	Rosemarie Kraeger	Rhode Island	
	Loren Scheer	South Dakota	
	Mark Bounds	South Carolina	
	Deanna McLaughlin	Tennessee	
	Larry Shumway	Utah	
	Mark Oettinger	Vermont	
	Anne Wescott	Virginia	
	Greg Lynch	Washington	
	Col James Runyon	West Virginia	
	Shelley Weiss	Wisconsin	
	Rick Masters	General Counsel	
	BG (R) Norman Arflack	Executive Director	Secretary
IN ATTENDANCE	Charles Patterson	Military Impacted Schools Association	
	David Splitek	Military Child Education Coalition	
	Candace Wheeler	National Military Family Association	
	Kathy Facon	DoDEA	

ITEM	ACTION
ITEM 1 – WELCOME AND CALL TO ORDER 1. The meeting was called to order and the roll was taken was taken by General Arflack. 31 of 39 states were present.	

2. Mark Needham opened by asking for all Commissioners and Ex-Officio members to give a short brief of their position and duties.

3. Following introductions Mark Needham gave a brief opening address. The meeting was then placed into Executive Session.

ITEM 3 – EXECUTIVE DIRECTORS REPORT

4. General Arflack briefed on the role of the National Office, its background and gave an overview of how we work with and fit into the CSG organization. He emphasized the importance of the budget to him and how, along with John, they maintain a constant oversight of where the budget stands at any point.

5. General Arflack mentioned that the National Office is involved in ensuring that dues are paid in a timely manner and that finding the right point of contact is essential to help facilitate the process. He also spoke about the partnership with DoD and trying to get the remaining states on board. General Arflack has also been out to a number of States to sit on their State Councils as well as attending various national meetings.

ITEM 4 – APPROVAL OF MINUTES

6. A motion was made to approve the minutes from the 2010 National Conference which was passed by unanimous consent.

ITEM 5 – COMMITTEE REPORTS

7. **Compliance Committee.** Mike Reed mentioned that it had been a quiet year with no issues requiring the committee to meet and make rulings and that he felt the matters were being dealt with satisfactorily at the school/district level.

8. **Rules Committee.** The chairman opened by giving a preamble on the proposed rules changes. This was also the start of the public comment period. There were 3 comments in writing that were copied to all members of the commission. Susan Haberstroh explained that they would be discussing the proposed rule change on dues first.

9. Dues

- Proposed: Dues to be changed from assigned to reside to be effective with FY14.
- Proposed: The dues floor of \$2000.00 to be effective FY14.
- Proposed: The dues ceiling \$60000.00 to be effective FY13.

a. Susan Haberstroh made a motion to revise the dues rule from assigned to reside. **Motion Passed.**

b. Susan Haberstroh motioned that the dues should be changed to reflect a ceiling of \$60000.00 to be effective FY13 and that a minimum floor of \$2000.00 is adopted to be effective FY14. **Motion Passed.**

10. **Kindergarten.** Susan Haberstroh explained that the next proposed change was rule 3.102. Application for transfer of student records and enrollment. Susan made a motion as follows:

“In the case of a kindergarten student the enrolled student must have attended class for at least one school day in the sending state in order to continue enrollment in kindergarten in the receiving state”.

a. Cheryl Serrano commented that she understood kindergarten was a very passionate area for many families. She wanted to remind everyone of the intent of the compact and that it was to try and level the playing field with non-military children and not to give them an advantage that a non-military would not normally have had.

b. Bob Buehn from Florida tabled a friendly amendment to this rule which reads:

“In the case of a kindergarten student the enrolled student must have attended class for at least one school day in the sending state and will be allowed to continue enrollment in kindergarten in the receiving state”.

Susan Haberstroh accepted this motion as a friendly amendment, seconded by Tennessee.

c. Candace Wheeler spoke on this matter saying that while she understood the intent was to make sure that military families were not going around the rules, her concern with putting this into the rules was that families would elect to stay behind in order to fulfill this one day requirement. This would result in an additional burden on families, as well as further separation.

d. Anne Wescott spoke on this matter and opposed the amendment. She talked on how the current rules had been working very well in Virginia. She mentioned that Virginia felt it was just a handful of children this affected and this is who the compact was supposed to be helping. The Virginia State Council was happy with the way in which the current rules were worded.

e. Kathy Facon mentioned that DoDEA had instituted a process whereby a copy of the PCS orders is required to be placed into the enrollment procedure.

f. Mary Gable agreed with the commissioner from Colorado. She spoke on the matter and stated that she felt the intent was not to go above and beyond for the student but to ensure they are not disadvantaged. She stated that many schools have allowances where children can be tested which she supported.

g. Shelley Weiss suggested that there should be another extended timepiece in order to allow the matter to be discussed with a wider audience and that the 30 day period was insufficient for a matter of this importance.

h. Kathy Berg mentioned that the Hawaii DOE has been trying for a number of years to change the date of kindergarten enrollment from Dec 31st to about August. She expressed her surprise that many of the military were prepared to split up families in order to send back children to attend one day at kindergarten.

11. Larry Shumway, Utah, made a motion to table this ruling for a period of 12 months and referring the matter back the rules committee, seconded by South Carolina. The motion was passed, 20-11.

12. **Training Committee.** Kathy Berg opened by thanking Shelly Reed, who has now retired, for her work as the chair for this year. One of the first and biggest projects of the year was the orientation manual and she passed on her thanks to John Matthews for his work on this project. Other projects that have been going on were the revisions of the brochure. The one pager which has been finalized. The staff also produced a magnet and a coin. Kathy reminded everyone that the publications were available on the website.

General Arflack commented that the staff had been involved in attending military appreciation days or other such venues. We have been able to interface with military families and make ourselves available for questions. He stated that the staff had been invited to the Quad A in Nashville, in Apr 2012 to in order to mingle with military families and extend our outreach.

Mark Needham emphasized the importance of using the National Office and obtaining the advertising materials.

13. **Finance Committee.** Pam Deering started by giving a breakdown of the finances as they stand. Pam commented that the trend shows that the organization is operating just below the projected budget for FY11. Pam Deering gave a detailed explanation of each of the spreadsheets explaining the changes subsequent to the new rules change that had been adopted. The Executive Director along with John Matthews had previously prepared a number of spreadsheets in anticipation of each of the possible outcomes.

The Executive Director then spoke about the management of our account which is controlled by the fiscal affairs at the Council of State Governments. He went on to state that it is monitored closely on a monthly basis by both himself and John Matthews. General Arflack went on to give a more detailed explanation of expenditures for FY13.

Following further comment Mark Needham expressed that there may be moves by the finance committee in 2012 for ways to look at reducing our overall income but that we needed to ensure that in this era of military decline we did not cut this too much and leave ourselves short.

Larry Shumway asked for a motion to amend the current budget under the expenditure for Advertising and Promotions to be increased from \$7500.00 to \$25000.00 for the FY12 Budget. Motion Passed

Mark Needham made the motion to adopt the current budget for FY12 as presented and with the previously passed amendment. Motion Passed

ITEM 6 – BREAKOUT SESSION REPORTS

14. Breakout Session 1 – Greg Lynch

This group discussed the proposed kindergarten rule change asking if it was necessary and should the final decision be based on entrance readiness assessment as opposed to age.

They talked about how DoD could help to promote the Compact suggesting this may be achieved through the various services education systems. They also discussed how to connect better with organizations that promote military connected families.

15. Breakout Session 2 – David Phillips

The discussion centered on the kindergarten issue initially and they agreed with the comments from session 1, that if the language was amended in such a way as not to offer parents the option of the 1 day attendance then it would be more appropriate.

The next topic was introduced by Tom Rutan who asked that the training committee to look at ways in which we could have some uniformity amongst local schools with end of course exams and requirements for graduation and the award of credits.

They also discussed the National Guard and suggested that the Compact needed to take more interest in this area, not only with Inter but also Intra-state matters and what we could do to assist these personnel.

16. Breakout Session 3 – Cheryl Serrano

The group talked about kindergarten and had examples of how people were trying to game the system for their benefit. They discussed the intent of the compact and how it was never intended to address what would have been.

The other major discussion point was that they felt that parents would like everything to be the same; starting dates, testing, graduation requirement etc. Whilst everyone agreed this was unlikely, they felt that with the introduction of common core standards and consortiums, the standards and assessments would be similar across most states.

17. Breakout Session 4 – Kathy Berg

This group suggested that the kindergarten issue was a molehill amongst many mountains and that the feeling was they should leave the current ruling as it was.



The group talked about using the website more and having links to other relevant organizations on the site. There were suggestions also that the website included a password protected area for commissioners.

The group discussed Guard and Reserve and that maybe we could include members of the National Guard and Reserve on the commission somehow.

A suggestion was also made that the website had a list of some key national education groups such as State Superintendents, Superintendents, Principals of Elementary/Secondary and Middle levels, PTA and School Counselors.

Discussion

Kathy Facon informed the room that DoDEA had set up a council similar to the way in which the commission organizes theirs. This will assist in the coordination between schools and districts to ensure they are complying with the rules of the Interstate Compact.

They have a DoD representative who is appointed.

ITEM 7 – ELECTION OF NEW OFFICERS

18. The following nominations were made and passed for the election of new officers:

Chairman: Mark Needham

Vice Chair: Kathy Berg

Treasurer: Pam Deering

ITEM 8 - COMMITTEE ASSIGNMENTS

19. The chairman then spoke on the committee assignments for the forthcoming year, outlining which commissioners were assigned to which committee.

ITEM 9 – OLD BUSINESS

20. Nil.

ITEM 10 – NEW BUSINESS

21. Anne Wescott raised an issue about reciprocity. She asked if the commission could compile a list which would show what states have exit exams/end of course tests and if so what they consisted of. Mark Needham requested this information is obtained and provided by the National Office.

22. Larry Shumway suggested that the committee look at possibly electing a chair elect in the future. Rick Masters stated this would be a matter for the Executive Committee to discuss post conference.

Mr Shumway also recommended that he felt it would be more beneficial if there were

more activities aimed at expanding the leadership of commissioners to assist with running of State Councils.

23. Candace Wheeler suggested that any proposed rule changes should be promulgated earlier in order to give commissioners more time to look at them and discuss with their respective State Councils. Mark Needham agreed and said that the Executive Committee would be looking at this.

ITEM 11 – COMMITTEE CHAIR REPORTS

24. **Finance Committee:** Pam Deering thanked her committee for their initial input and mentioned that they may look at possibly doing an audit in the forthcoming year.

25. **Rules Committee.** Mary Gable spoke about Kindergarten as this was the biggest issue amongst her committee. She expanded by stating whilst they did not have a significant suggestion at this time they would look into what individual states were doing, was it an issue? They were also going to collect information on age for Kindergarten and if the rule needed language change or not, if it did what might this be.

Mary Gable mentioned that they also discussed and talked about National Guard matters and Interstate and Intrastate issues.

26. **Compliance Committee.** Mike Reed requested that all commissioners forward summaries of all issues that they may have had to address and forward them to the National Office and then this would be disseminated to all Commissioners.

27. **Training Committee.** The committee discussed compiling a strategic communication plan looking at military families, school personnel and state councils. They also talked about the possibility of mentoring or having a buddy system with new commissioners.

ITEM 12 – NEXT MEETING

28. The committee voted that the venue for the 2012 annual meeting would be in Charleston, SC, 15-17 November 2012.

ITEM 15 – ANY OTHER BUSINESS

Having no further business to conduct the meeting was adjourned.



Richard Pryor
Administrative Assistant MIC3



Copy to:

All personnel listed on Page 1

**INTERSTATE COMMISSION
ON
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

-- Rules --

(Amended and Effective - November 16, 2012)

INTRODUCTION:

Upon activation of the Interstate Compact, one of the first tasks necessary for the Commission was the creation of administrative rules under which the Compact would operate. A Rules Committee was formed. The Rules Committee met on several occasions to develop the rules. Comments were solicited from various stakeholders and input was considered. The rules complement the Interstate Compact and may not conflict with it. The rules are not designed to address every issue arising under the Compact, however, there is flexibility to make reasonable changes or clarification as the need arises through amendment, advisory opinions, and training opportunities.

The Commission Rules were adopted in November 2009. Rule 2.104(d) governing the "Dues Formula," was amended by the Commission at the 2011 MIC3 Annual Meeting in Louisville, KY. Rule 3.102(b) defining "Kindergarten enrollment," was amended and made effective immediately at the 2012 MIC3 Annual Meeting in Charleston, SC.

Attached is a final revised version of the Commission Rules effective November 16, 2012.

Chapter – 100 DEFINITIONS

SEC. 1.101 Definitions

As used in these rules, unless the context clearly requires a different construction—

- A. “Active duty” means: full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.
- B. “By-laws” means: those by-laws established by the Interstate Commission on Educational Opportunity for Military Children for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.
- C. “Children of military families” means: a school-aged child(ren), enrolled in kindergarten through twelfth (12th) grade, in the household of an active duty member.
- D. “Compact commissioner” means: the voting representative of each compacting state, appointed pursuant to Article VIII of this compact.
- E. “Days” means: business days, unless otherwise noted.
- F. “Deployment” means: the period one (1) month prior to the service members’ departure from their home station on military orders through six (6) months after return to their home station.
- G. “Education(al) records” means: those official records, files, and data directly related to a student and maintained by the school or local education agency (LEA), including but not limited to records encompassing all the material kept in the student’s cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.
- H. “Extracurricular activities” means: a voluntary activity sponsored by the school or LEA or an organization sanctioned by the LEA. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.
- I. “Interstate Commission on Educational Opportunity for Military Children” means: the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission.

- J. "Local education agency" means: a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth (12th) grade public educational institutions.
- K. "Member state" means: a state that has enacted this compact.
- L. "Military installation" means: a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.
- M. "Non-member state" means: a state that has not enacted this compact.
- N. "Receiving state" means: the state to which a child of a military family is sent, brought, or caused to be sent or brought.
- O. "Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.
- P. "Sending state" means: the state from which a child of a military family is sent, brought, or caused to be sent or brought.
- Q. "State" means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. territory.
- R. "Student" means: the child of a military family for whom the LEA receives public funding and who is formally enrolled in kindergarten through twelfth (12th) grade.
- S. "Transition" means: 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.
- T. "Uniformed service(s)" means: the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.
- U. "Veteran" means: a person who served in the uniformed services and who was discharged or released under conditions other than dishonorable.

Chapter 200 – GENERAL PROVISIONS

Section 2.102 Adoption of rules; amendment

Proposed rules or amendments to the rules shall be adopted by majority vote of the members of the Interstate Commission in the following manner:

- (a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee as follows:
 - (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal must be made in the form of a motion and approved by a majority vote of a quorum of the Commission members present at the meeting;
 - (2) Standing Committees of the Commission may propose rules or rule amendments by majority vote of that Committee;
 - (3) Any regional group of states as may be subsequently recognized by the Commission may propose rules or rules amendments by a majority vote of members of that region;
- (b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based upon the comments made by the Commissioners, the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission no later than the next annual meeting falling in an odd-numbered year.
- (c) Prior to promulgation and adoption of a final rule by the Interstate Commission, the text of the proposed rule or amendment shall be published by the Rules Committee no later than thirty (30) days prior to the meeting at which the vote is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.
- (d) Each administrative rule or amendment shall state—
 - (1) The place, time, and date of the scheduled public hearing;
 - (2) The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and
 - (3) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

- (e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person or entity making the request shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it chooses to do so.
- (f) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at hearings required by this section.
- (g) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Interstate Commission shall consider all written and oral comments received.
- (h) The Interstate Commission shall, by majority vote of a quorum of the commissioners, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- (i) Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States district court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside.
- (j) Upon determination that an emergency exists, the Interstate Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to--
 - (1) Meet an imminent threat to public health, safety, or welfare;
 - (2) Prevent a loss of federal or state funds;
 - (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - (4) Protect human health and the environment.

SEC. 2.103 Data collection and reporting

- (a) As required by the compact, and as specified by the operational procedures and forms approved by the commission, the states shall gather, maintain and report data regarding the transfer and enrollment of students who transfer from one state LEA to another state LEA under this compact.
- (b) Each state shall report to the commission annually the number of students transferred to a LEA from another state and received from another state's LEA in the previous year.
- (c) Reports required under sec. 2.103 (a) and (b) shall be received by the Commission no later than June 30 of each year.

SEC. 2.104 Dues formula

- (a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting at which the proposed revision will be considered.
- (b) The Commission may consider the population of the states, the number of students subject to the compact within each state, and the volume of student transfers between states in determining and adjusting the assessment formula.
- (c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.
- (d) The dues formula shall be based on the figure of one dollar per child of military families eligible for transfer under this compact, and beginning in FY 2014 this calculation shall be based upon the State in which each military family resides, except that effective FY 2013, and each year thereafter, no state dues assessment shall exceed the sum of sixty thousand dollars (\$60,000.00) per year and effective FY 2014, and each year thereafter, no state dues assessment shall be less than two thousand dollars (\$2,000.00).

SEC. 2.105 Forms

States may use the forms or electronic information system authorized by the commission for communication regarding transfers of students subject to this compact between or among states.

Chapter 300 – TRANSFER OF EDUCATION RECORDS AND ENROLLMENT

SEC. 3.101 *Eligibility for transfer and enrollment*

- (a) *Unofficial or "hand-carried" education records* – In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible. In the event a state or LEA charges a fee for copies of educational records, such a fee shall not exceed the reasonable cost of reproduction.
- (b) *Official education records/transcripts* - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) business days except for a designated school staff break including, but not limited to, spring, summer, or holiday. Records should be furnished as soon as possible following the return of staff from a school staff break; however, the time shall not exceed ten (10) days after the return of staff.

SEC. 3.102 **Application for transfer of student records and enrollment**

An application for transfer of educational records of students subject to this compact shall contain the following:

- (a) *Immunizations* – Compacting states shall give thirty (30) calendar days from the date of enrollment. For a series of immunizations, initial vaccinations must be obtained within thirty (30) calendar days.
- (b) *Kindergarten and First grade entrance age* – Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including Kindergarten) from a LEA in the sending state at the time of transition, regardless of age. In the case of a Kindergarten student, the student must have been enrolled and attended class in the sending state in order to assure continued attendance in Kindergarten in the receiving state. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

- (1) Any student who transfers from an out-of-state public school and who does not meet regular age requirements for admission to the school of the state being transferred into shall be admitted upon presentation of the data required in subsection (3).
- (2) Any student who transfers from an out-of-state nonpublic school and who does not meet regular age requirements for admission to a public school in the state being transferred, shall be admitted if the student meets age requirements for public schools within the state from which he or she is transferring, and if the transfer of the student's academic credit is acceptable under rules of the school board. Prior to admission, the parent or guardian must also provide the data required in subsection (3).
- (3) In order to be admitted into a school of the state being transferred, such a student transferring from an out-of-state school must provide the following data:
 - (i) Official documentation that the parent(s) or guardian(s) were resident(s) of the state in which the child was previously enrolled in school;
 - (ii) An official letter or transcript from the proper school authority which shows record of attendance, academic information, and grade placement of the student;
 - (iii) Documented evidence of immunization against communicable diseases; and
 - (iv) Evidence of date of birth.

Chapter 400 -- GRADUATION

- (a) *Waiver requirements* – LEA administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another LEA 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 LEA shall provide an alternative means of acquiring required coursework so that graduation may occur on time. If the receiving LEA requires a graduation project, volunteer community service hours, or other state or LEA specific requirements, the receiving LEA may waive those requirements.

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

- (c) *Transfers during senior year* – *There may be cases in which a military student transferring at the beginning or during his or her senior year is ineligible to graduate from the receiving LEA after all alternatives have been considered. In such cases the sending and receiving LEA's shall ensure the receipt of a diploma from the sending LEA, if the student meets the graduation requirements of the sending LEA. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this Article.*

Chapter 500 – PLACEMENT & ATTENDANCE

SEC. 5.101 Course placement

- (a) The receiving school shall initially place a student who transfers before or during the school year in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state to the extent the educational courses are provided by the receiving school. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s). The receiving school may allow the student to attend similar educational courses in other schools within the LEA if the receiving school does not offer such educational courses.

SEC. 5.102 Educational program placement

- (a) The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s). The receiving school may allow the student to attend similar educational courses in other schools within the LEA if the receiving school does not offer such programs.

SEC. 5.103 Special education services

- (a) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and
- (b) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education.
- (c) The receiving school may perform subsequent evaluations to ensure appropriate placement and appropriate services. The receiving school shall follow any current regulations the receiving state has in place in order to comply with federal or state law.

SEC. 5.104 Placement flexibility

- (a) LEA officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the LEA.

SEC. 5.105 Absence as related to deployment activities

- (a) A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the Compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the LEA superintendent or head of school to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian. Notwithstanding the above, the LEA superintendent or head of school may provide a maximum number of additional excused absences.

Chapter 600 -- ELIGIBILITY

SEC. 6.101 Eligibility for Enrollment

(a) A custody order, special power of attorney, or other applicable document relative to the guardianship of a child of a military family and executed under the applicable law of each member state shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A special power of attorney form, which is acceptable in some jurisdictions, can be obtained through the JAG offices pursuant to Military Family Care Plan regulations.

(1) A local education agency shall be prohibited from charging local tuition to 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. Tuition may be charged for optional programs offered by the LEA.

(2) 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.

The local education agency shall not charge tuition. In addition, transportation to and from school is the responsibility of the non-custodial parent or other persons standing in loco parentis.

(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, with consultation with the state high school athletic association, to the extent they are otherwise qualified. Application deadlines include tryouts, summer conditioning and other coach or district prerequisites.

Chapter 700 – OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

SEC. 7.101 Informal communication to resolve disputes or controversies

States shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.

(b) *Failure to resolve dispute or controversy*

(1) Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under sec. 7.101 (a), states shall pursue one or more of the informal dispute resolution processes set forth in sec. 7.101 (b)(2) prior to resorting to formal dispute resolution alternatives.

(2) Parties shall submit a written request to the executive director for assistance in resolving the controversy or dispute. The executive director shall provide a written response to the parties within ten (10) days and may, at the executive director's discretion, seek the assistance of legal counsel or the executive committee in resolving the dispute. The executive committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy.

SEC. 7.102 Formal resolution of disputes and controversies

(a) *Alternative dispute resolution* – Any controversy or dispute between or among compacting states that arises from or relates to this compact that is not resolved under sec. 7.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

(b) *Mediation and arbitration*

(1) Mediation

- (i) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.
- (ii) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators and pursuant to procedures customarily used in mediation proceedings.

(2) Arbitration

- (i) Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
- (ii) Arbitration shall be administered by at least one neutral arbitrator or a panel of arbitrators not to exceed three members. These arbitrators shall be selected from a list of arbitrators maintained by the commission staff.

- (iii) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator (arbiter?).
- (iv) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.
- (v)(a) The arbitrator (arbiter?) in all cases shall assess all costs of arbitration, including fees of the arbitrator* and reasonable attorney fees of the prevailing party, against the party that did not prevail.
- (b) The arbitrator* shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the commission has its principal offices.
- (vi) Judgment on any award may be entered in any court having jurisdiction.

SEC 7.103 Enforcement actions against a defaulting state

- (a) If the Interstate Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties:
 - (1) Damages or costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
 - (2) Remedial training and technical assistance as directed by the Interstate Commission;
 - (3) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state, the majority and minority leaders of the defaulting state’s legislature, and the state council.
- (b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this Compact shall be terminated from the effective date of suspension.

- (c) Within sixty (60) calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.
- (d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.
- (d) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.
- (e) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

SEC 7.104 Judicial enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

MARYLAND STATE DEPARTMENT OF EDUCATION

Military State Council Meeting

July 25, 2012
1:30 p.m. – 3:00 p.m.
Conference Room 4

AGENDA

- Welcome:** Ms. Mary Gable, Assistant State Superintendent, Division of Academic Policy
- Discussion Topics:** Update on information from MIC3 Military Interstate Children's Compact Commission (Mary Gable);
- Incorporating the MIC into the strategic plans for the LEA's (Carol Mohsberg);
- Homeschooling Issues (Carol Mohsberg);
- Charter Schools (Sarah Bonise);
- Discussion of transfer age for Kindergarten (Mary Gable);
- Anecdotal stories of where the MIC has been helpful or cause for concern (Carol Mohsberg and Sarah Bonise);
- Other topics of interest (all).

State Council Members and Participants

Dr. Robert M. Tomback, Superintendent, Harford County Public Schools
Colonel Edward C. Rothstein, Garrison Commander, Fort George G. Meade
The Honorable John Astle, District 30, Anne Arundel County
The Honorable Anne Kaiser, Delegate, District 14, Montgomery County
Ms. Sarah E. Bonise, Director, CYS Services School Support/ School Liaison
Ms. Carol Mohsberg, NSA Annapolis School Liaison Officer
Ms. Flavia Walton, Military Family Representative
Ms. Lucia Martin, Resource Counselor, Anne Arundel County Public Schools
Ms. Jeanette Ortiz, State Council Member
Mr. Michael Linkins, Specialist, School Counseling
Mr. William Cappe, Specialist, Division of Academic Policy