



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

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

April 15, 2014

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

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

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

RE: Interstate Commission on Educational Opportunity for Military Children (MSAR #7598)

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 19-21, 2013 Annual Business Meeting of the Interstate Commission on Educational Opportunity for Military Children (MIC3); the MIC3 December newsletter; and, the minutes from the November 15-17, 2012 Commission Meeting (minutes of the 2013 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. Ms. Gable is also the Chairperson of the Rules Committee for the Interstate Commission.

Also attached is a copy of the agenda of the July 10, 2013 meeting of Maryland's State Council for the Interstate Compact. Each state must have a State Council that meets annually. Members of Maryland's 2013 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
 - Mr. Michael Linkins, Specialist, School Counseling, Division of Student, Family and School Support
 - Mr. William Cappe, Specialist, Office of Communications, Partnerships and Grants
 - Mrs. Mary L. Gable, Assistant State Superintendent, Division of Academic Policy and Innovation and Maryland Commissioner of the Interstate Compact
- * Dr. Tomback has retired as Superintendent of Harford County Public Schools. He was represented at the State Council Meeting by Ms. Barbara Canavan, Interim Superintendent, Harford County Public Schools, and Chandra Krantz, Principal, Aberdeen Middle School.
- * Colonel Rothstein was represented by LTC Marion Bakalorz.

The terms of some Council members have expired and the New State Council members are:

- **Dr. Theresa Alban, Superintendent, Frederick County Public Schools
- **Col. Brian P. Foley, 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
 - Mr. Michael Linkins, Specialist, School Counseling
 - Mr. William Cappe, Specialist, Division of Academic Policy
- **Mr. Reginald Perry
 - Mrs. Mary L. Gable, Assistant State Superintendent, Division of Academic Policy and Maryland Commissioner of the Interstate Compact
- ** New Council Members

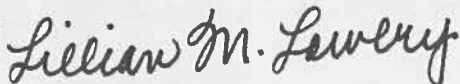
Governor O'Malley, President Miller, and Speaker Busch
April 15, 2014
Page 2

MIC3 is proud that an additional state, Oregon, has signed on to the Interstate Compact. Presently 47 states and the District of Columbia are now members of the Compact. The only states that are not part of the Compact are Minnesota, New Hampshire, and New York.

Should you have any questions regarding this report, please feel free to contact 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/MLG

C: Lt. Governor Anthony Brown
Mary L. Gable

Enclosures:

- November 2013 Annual Business Meeting Agenda
- MIC3 December Newsletter
- 2012 Commission Meeting Minutes
- Maryland State Council Meeting Agenda
- Resolving Education Transition Issues for Military Families
- What Parents, Schools and Administrators Should Know
- What Schools and Administrators Should Know
- What Parents, Families and Guardians Should Know
- Orientation to the Interstate Compact - Powerpoint
- Maryland State Department of Education Website Information
- Rules of the Interstate Commission



Interstate Commission on Educational Opportunity for Military Children

**2013 Annual Commission Meeting
November 19 - 21, 2013**

Town and Country Resort, San Diego, CA

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

Tuesday - November 19, 2013

1:00 – 4:00 p.m. **Commissioner Orientation/State Council Organization – Crescent Room**
All registered attendees, commissioners and ex-officio members are welcome to attend.

History of the Commission – Rick Masters and BG Stephen Hogan

- Role of Interstate Commission and Compact Commissioners
- Commission Administration and Operation
- Committee Structure and Function

State Council Coordination and Promotion of the Interstate Compact

*Kathleen Berg (HI)
Cheryl Serrano (CO)
Pam Deering (OK)
Rosemarie Kraeger (RI)
Kate Wren Gavlak (CA)
Others TBD*

4:00 – 4:30 p.m. **Executive Committee Meeting – Crescent Room**

5:00 p.m. **Registration Open – Garden Ballroom**

5:00 – 6.30 p.m. **Welcome Reception – Garden Ballroom**

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

Wednesday - November 20, 2013

7:30 a.m. **Breakfast – Crescent Room**

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

- Orders of the Day
- Roll Call -- (Executive Director)
- Instructions to Commissioners
- Introduction of New Executive Director
- Overview of Agenda
 - Committee sign up
- Approval of the Minutes from 2012 MIC3 Annual Meeting

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

- **Legal Counsel Report – Rick Masters, General Counsel**
- **Executive Directors Report – BG Stephen Hogan, Executive Director – MIC3**

10:00 a.m. **Break – Crescent Room**

10:15 a.m. **Standing Committee Updates**

- **Compliance Committee**
– *Laura Anastasio, Commissioner – Connecticut*
- **Rules Committee**
– *Mary Gable, Commissioner – Maryland*
- **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)

Recognition of BG(R) Norman Arflack

11:30 – 12:30 p.m. **Lunch – Crescent Room**

12:30 p.m. **Presentation – IDEA compliance case study – Garden Ballroom**
Rosemarie Kraeger and Rick Masters

1:15 p.m. **Break – Crescent Room**

1:30 p.m. **Breakout Sessions**
(opportunity for open discussion regarding issues and concerns of the respective states)

**** facilitators are subject to change prior to the meeting**

Breakout 1 - Kathleen Berg (HI) – MIC3 Commissioner – Clarendon Room

Breakout 2 - Cheryl Serrano (CO) -- MIC3 Commissioner – Eaton Room

Breakout 3 - Pam Deering (OK) – MIC3 Commissioner – Fairfield Room

Breakout 4 - Rosemarie Kraeger (RI) – MIC3 Commissioner – Galleria 1 Room

Breakout 5 - Kate Wren Gavlak (CA) -- MIC3 Commissioner – Galleria 2 Room

3:00 p.m. Break – Crescent Room

3:15 p.m. Breakout Session Reports/Group Discussions – Garden Ballroom

4:00 p.m. Election of new officers

4:30 p.m. Recess – Complete signup for committee assignments

4:30 p.m. Executive Committee Meeting – Crescent Room

5:30 – 7:00 p.m. Commission Reception (Casual Attire) – Garden Ballroom

Thursday - November 21, 2013

7:30 a.m. Breakfast – Crescent Room

8:30 a.m. Call to Order - Committee Assignments Announced – Garden Ballroom

**8:45 a.m. Newly Formed Committee Meetings – Breakout rooms available
(Clarendon Room, Eaton Room, Fairfield Room, Galleria 1 Room, and
Galleria 2 room)**

9:15 a.m. Presentation by San Diego Team

9:45 a.m. Old Business, Meeting Summary and Next Steps

- **2014 MIC3 Annual Meeting – Location and Dates**

10:00 a.m. Closing Comments – Final Adjournment

MIC3...NEWS, VIEWS AND TRANSITIONS

Newsletter for the Interstate Commission on Educational Opportunity for Military Children

MIC3 MEETS IN SAN DIEGO

By W. John Matthews III, MIC3 Program Specialist



The Interstate Commission on Educational Opportunity for Military Children hosted their Sixth Annual Commission Meeting on November 19-21, 2012 at the Town and Country Resort in San Diego, California. The commission meeting, led by Commission Chair Kathleen Berg of Hawaii, was attended by 37 of the 46 member states and the District of Columbia. Also in attendance were ex-officio members of the Commission and other interested parties having business or association with the Commission.

The commissioner training session began the meeting on Tuesday, November 19th. 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 training had a different feel from last year, starting with the opening section being given by new MIC3 Executive Director Stephen Hogan. The training was revised to provide the attendees the opportunity to have more interaction and discussion. The commissioners conducted the middle portion of the training, led by members of the MIC3 Executive Committee (Rosemarie Kraeger (RI), Chair Kathleen Berg (HI), Cheryl Serrano (CO), and Kate Wren Gavlak (CA)). The final portion of the training dealing with legal formation was given by MIC3 General Counsel Rick Masters. The training was well attended. Experienced commissioners and veterans of the Interstate Compact even remarked on the improvement of the training from the previous year.

The business portion of the meeting took place on November 20th and 21st. It included reports by each of the standing committees. The Commission approved the preliminary FY15 budget with adjustments to be made by the executive committee at the end of fiscal year 2014. The Commission currently stands at 46 member states and the District of Columbia. Of those members, four states are currently without a commissioner and 10 are working to establish their state councils.

At the close of the morning session on the 20th, the Commission honored one of their own. Former Executive Director BG(R) Norman Arflack was honored by the Commission for his work and dedication to the Interstate Compact over the past three years. General Arflack was deeply touched by the heartfelt gratitude of the Commission.



Wednesday's afternoon session started with a lively presentation on the Individuals with Disabilities Education Act (IDEA) and the Interstate Compact by Rick Masters and Rosemarie Kraeger. Designed to highlight a recent case study and legal opinion issued by MIC3 (Advisory Opinion 1-2013), the presentation included an extra participant, Sarah Forster of Maine, an expert on IDEA. The presentation became a panel discussion, soliciting numerous questions from the Commission members. The interaction that resulted became a nice segue to the next portion of the meeting.

(Continued on Page 3 - MIC3 San Diego)

IN THIS ISSUE

- [Message from the Executive Director](#)
- [Message from the Chair](#)
- [Upcoming Events](#)
- [The Legal Brief - MIC3 and IDEA](#)
- [2014 Legislative Session](#)
- [MIC3 Webinar Series Begins](#)
- [Change, Transition and the Interstate Compact](#)
- [MIC3 Commissioners - Getting to Know](#)
- [Ohio - Pete LuPiba](#)
- [Maine - James Reir](#)



MESSAGE FROM THE EXECUTIVE DIRECTOR

Stephen R. Hogan, MIC3 Executive Director

It is a pleasure to send greetings from the national office. It is my sincere hope that this holiday season is a blessing to and for the entire Commission, and all of our friends involved in this wonderful cause.

I am pleased to report that the staff and I are excited beyond measure at the events that are transpiring and the progress made since the last newsletter. This body is clearly passionate and dedicated to aiding the military family; it is an honor to be your partner in this venue. The strength of this Commission is reflected in the partnership of states, professionals from many diverse backgrounds, and other stakeholding agencies of impact. This success is reflective of providing Compact protections to 98% of the military children population nationwide.



The main item of note for this quarter was the MIC3 Sixth Annual Commission Meeting, and the progress made in furthering our mutual interests as a National Commission. I was profoundly delighted to meet those present and place names with faces after communicating with most of you by telephone or electronically many times previous to the event.

The annual commission meeting from my perspective was nothing less than awe inspiring. It is obvious to me, as the new participant, the level of motivated effort and dedication that has gone into making this Commission the organization that it is today. Also noteworthy, is the "ground gained," in terms of the discourse and collaboration from the entire body and the clear course generated to guide our future steps.

Looking to the future, the priority milestone remains 100% adoption of the Interstate Compact nationwide. With yeoman assistance of Rick Masters, associates and supporters in the remaining non-member states, we continue to close in on this objective. I am encouraged with the momentum that has been generated. We are ready and looking forward to furthering this process to completion.

Improvements to communications, training and issues of interest also remain a priority of importance and focus. The introduction of web-based training (i.e. "webinars") will greatly streamline this process resulting in greater efficiency and improved capacities for connection throughout the greater Commission. Webinars specifically, and improving communications generally, is something that we are looking forward to implementing and perfecting.

In closing, I would like to thank you all for a great year, and your support to the national office. I would like to personally give my thanks to Chair Kathy Berg, the executive committee and the national staff in making my transition so very easy and straight forward. I am so very grateful for the graciousness and the patience that you have afforded me, as we continue forward. It is an honor to be of service to you in this capacity.

Happy Holidays!

UPCOMING EVENTS

January 6	South Dakota State Council Meeting	Pierre, SD
January 10	Florida State Council Meeting	Tallahassee, FL
January 21	Wyoming State Council Meeting	Cheyenne, WY
January 21	North Carolina State Council Meeting	Raleigh, NC
February 6	Wisconsin State Council	Madison, WI
March 14	Maine State Council Meeting	Augusta, ME
July	MIC3 EXCOM Meeting	Lexington, KY
November 13-15	2014 MIC3 Annual Meeting	TBA

State Council Meetings

The MIC3 staff is keeping track of all scheduled state council meetings. Commissioners: Please make sure that you send notification of your state council meetings to MIC3 Headquarters. If you don't have your council established, please contact the national office and we will be happy to assist you.

MESSAGE FROM THE COMMISSION CHAIR

Brig. Gen. (Ret) Kathleen Berg, MIC3 Chair, Hawai'i Commissioner

As we close out the year 2013, we can look back to a very busy and eventful year for the national office, elected leadership, and state commissioners of the Interstate Commission on Educational Opportunity for Military Children—the MIC3, for short, for the Military Interstate Children's Compact Commission. In late November, we had a very successful annual meeting that included an orientation session for new state commissioners, presentations on current issues that have been brought to our attention by military families and member states, and ample opportunity to share problems and solutions among our many attendees. Co-hosts Hawai'i and California showed lots of aloha, and the San Diego weather was suitably beautiful. MIC3's new executive director, BG Steve Hogan, led the national office staff of John Matthews and Richard Pryor to put together the arrangements for this meeting, and the executive committee—Commission officers and standing committee chairs—worked diligently to plan and execute, with the staff and the MIC3 General Counsel Rick Masters, the commissioner training and meeting events.



I want to personally thank the national staff for their work and support this past year as well as my colleagues on the executive committee and the Commission. I am honored and pleased that my fellow state commissioners have reelected me to that leadership position for another year. I can assure you all that my leadership team on the executive committee and I will not be resting on our laurels. Already, as we near the new year, we are meeting new and different challenges and opportunities to make sure that the children of our military service members are not disadvantaged in their education because of their parents' service to our nation. And as we enter the holiday season, our thoughts are with our service men and women and their families who often celebrate this time apart. We wish for them a joyous holiday and thank them for their service. If the MIC3 can help in anyway, we hope families will not hesitate to contact their state commissioners or the MIC3 national office.

As they say in Hawai'i, Mele Kalikimaka and for 2014 Hau'oli Makahiki Hou!

MIC3 SAN DIEGO *(continued from page 1)*

The next portion was the breakout sessions. Led by facilitators, each breakout session addressed a series of case study questions dealing with different areas of the Interstate Compact. The breakouts were composed of states with varying compositions and demographics. Each group came back and reported to the Commission as a whole.

Business was concluded on Wednesday with the election of Commission officers. Officers for 2013-2014 are Chair Kathleen Berg (HI), Vice Chair Kate Wren Gavlak (CA), and Treasurer Bob Buehn (FL). Committee chairs for 2013-14 are Bob Buehn (FL) - Finance, Mary Gable (MD) - Rules, Mark Oettinger (VT) - Compliance, and Rosemarie Kraeger (RI) - PR and Training.

Business resumed on Thursday morning, November 21st, with the assignment and meeting of all four standing committees. New committee chairs took charge of their committees and addressed upcoming issues.

Upon reconvening as the whole Commission, a presentation was made by the school liaison officers and personnel from the San Diego area. The presentation was facilitated by Kelli May, Regional School Liaison - Marine Corps Installations West, and Kelli Frisch, Regional School Liaison - Navy Region Southwest. It consisted of highlighting the area's school districts (San Diego, Coronado, and Vista Unified) and the application of the Compact. They also featured programs that help military children and their families acclimate to the constant change presented by the lifestyle of the military.

A special thanks goes out to the Air Force Sergeants Association who sponsored one of the breaks during the annual meeting. Chief Executive Officer John R. "Doc" McCauslin made a presentation to Chair Kathy Berg for the Commission's continued hard work advocating on behalf of military families and their children.

The Commission business concluded with the discussion about the date and location for the 2014 MIC3 Annual Commission Meeting. The MIC3 staff was charged with researching the locations suggested so decisions could be made as soon as possible.



THE LEGAL BRIEF: MIC3 and IDEA

By Rick Masters, MIC3 General Counsel

Our panel discussion of the Compact and IDEA at the 2013 MIC3 Annual Commission Meeting was well received and will hopefully provide a useful context in which to deal with this rather complicated area of both federal and state laws and regulations and assist military families in transitions involving children with disabilities and special needs.

It occurred to me after our annual meeting that some further written discussion of these issues might continue to bring them into sharper focus going forward into 2014. Let's start with a reminder of the specific references in the Compact statute in this regard.

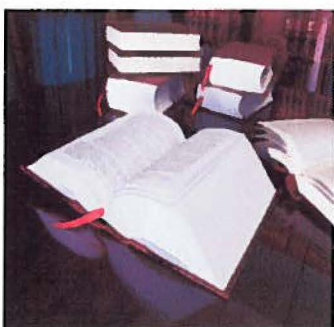


Article V concerning Placement and Attendance provides in relevant part:

“C. Special education services – 1) 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 2) 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 (ADA), 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. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.”

As explained at the above referenced IDEA session, the term “comparable services” does not necessarily mean identical services as were furnished in the sending state must also be provided in the receiving state. This point is further clarified in a well-reasoned opinion of the U.S. Court of Appeals in a case styled *Michael C. v. Radnor Township School District*, 202 F.3d 642 (3rd Cir. 2000), in which the Court concluded as follows:

“We hold that the IDEA’s overall scheme and the precedent interpreting that scheme leads inexorably to the conclusion that when a student moves from State A to State B, any prior IEP in effect in State A need not be treated by State B as continuing automatically in effect.” See also, *Georgia State Dept. of Ed. v. Derrick C.*, 314 F.3d 545 (11th Cir. 2002).



While IDEA contemplates that the sending state plan is to be initially accepted, maintaining the status quo, the receiving state is free to conduct its own testing and review and determination of the needs of the child and to offer a ‘comparable’ (but not necessarily identical) accommodation. *Arlington Center School Dist. v. L.P.*, 424 F. Supp.2d 692, 696 (S.D.N.Y. 2006). If the family is not satisfied that the receiving state has offered a ‘comparable’ plan there is an entitlement to a ‘due process’ hearing which, as pointed out in our annual meeting discussion, can become essentially a ‘battle of the experts’ in which a psychological expert retained by the family who may disagree with the state is pitted against another psychologist retained by the school system etc. Also, as pointed out at the annual meeting session, the costs of the litigation, including the attorneys’ fees, will be the responsibility of the losing party so that both parents and school officials have a significant economic ‘down side.’

It is equally important to remember that the compact’s provisions regarding IDEA compliance as referenced above do not seek to ‘supplant,’ but simply incorporate by reference, the requirements of both the IDEA, the Rehabilitation Act and the ADA, all of which are federal laws which Congress intended would apply to all public schools throughout the United States.

(Continued on Page 6 - The Legal Brief - MIC3 and IDEA)

2014 LEGISLATIVE SESSION: FOUR TO GO!

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

The 2014 legislative session is already underway as state legislatures get ready for formal sessions to begin. The Commission is coming off another successful year, increasing the membership to 46 states and the District of Columbia. There are four states that have not adopted the Interstate Compact: Minnesota, New Hampshire, New York and Oregon.

MIC3 Executive Director Stephen Hogan and MIC3 General Counsel Rick Masters are continuing our strong legislative momentum. Over the last several months, they have been actively looking to move forward and have the Interstate Compact adopted in the remaining states.



Minnesota

We are currently testing the waters with several legislators in an effort to find a sponsor in the land of a thousand lakes. We most recently received a phone call from the Governor's office inquiring about the Interstate Compact. They also requested information on the Commission dues structure. A conference call is in the planning stages for the first of the year. There is no bill introduction deadline.

Session: 2/25 - 5/19/2014



New Hampshire

According to Harold Cooney, DoD Northeast Regional State Liaison, the Interstate Compact is in pre-file (2014-H-2335-R). Currently, we are looking at the possibility of seven sponsors in the House, led by Representative Robert Theberge. The House bill introduction deadline is 1/18/2014. There is no bill introduction deadline in the Senate. The bill must start in the House.

Session: 1/8 - 6/30/2014.



New York

New York is a legislative continuation from 2013. We currently have two bills active, Senate Bill 1213 and Assembly Bill 5787. The Senate bill, sponsored by State Senator Micheal H. Ranzenhofer, passed the Senate 59-0 in June. The bill has been delivered to the Assembly and referred to the Education Committee.

Assembly Bill 5787 was introduced on March 6, 2013. It was referred to the Assembly Education Committee. To date, the bill has not been placed on the agenda. We expect, with both bills now in the Assembly Education Committee, that there may be an effort to substitute the Senate bill for the Assembly bill.

Bills in New York are good for a two-year cycle. This is the second year for these bills. General Hogan and Rick Masters are feeling confident about having the Interstate Compact pass this term.

Session Begins: 1/8/2014



Oregon

The Interstate Compact is a legislative concept bill. It will be assigned a bill number at the beginning of session. Mark San Souci, DoD Northwest Regional State Liaison, expects that the primary sponsors will be Senator Arnie Roblin and Representative Deborah Boone. However, this may turn into a committee bill. We have the support of the Democratic Caucus. We expect that the first introduction will be on the Senate side. Interim committee meetings will take place January 15-17.

Session: 2/3 - 3/6/2014.





THE LEGAL BRIEF - MIC3 and IDEA *(continued from page 4)*

While it is hoped that the Compact will serve as a useful tool in promoting an accommodation of transferring military children with disabilities, the affirmative obligations imposed on a local education agency (LEA), under either the above referenced federal laws or the Compact, as well as the extent of any accommodation required generally must be determined based upon the prior IEP, the facts unique to each case, and expert evaluation(s) of the student(s) in question. It is also crucial in assisting these particular families that efforts are made to avoid conflicts and duplication of efforts to the extent possible; and to this end establishing a network of communications between the MIC3 Commissioners and state directors of special education as well as departments of education would seem to be a worthwhile effort in the new year.

Happy Holidays!

MIC3 WEBINAR SERIES BEGINS

By W. John Matthews III, MIC3 Program Specialist

On November 6, the Commission and staff kicked off the first of the MIC3 webinars. The webinar, entitled *Orientation*, is the first of a series of four webinars. Facilitated by MIC3 Executive Director Stephen Hogan, the webinar was very well received by the 118 people who attended. Even more had registered but encountered outside IT difficulties. The national staff is working to resolve these issues before the next session. This segment has been posted to the *Resources* page of the MIC3 website in case you missed it.

The national staff is working with members of the Commission on the next webinar, *Implementation*. This segment will look at the way the Interstate Compact is applied. It will also look at how assistance can be obtained and questions answered about the Interstate Compact. This segment will be designed with school administrators, counselors, and school personnel in mind.

The last two segments will be *State Councils and Public Officials* and *Legal Foundation*. *State Councils and Public Officials* will look at the role of the state council and state government in applying the Interstate Compact with in their state. *Legal Foundation* will be facilitated by the MIC3 General Counsel Rick Masters on the legal aspects of the Interstate Compact.

CHANGE, TRANSITION, AND THE INTERSTATE COMPACT

Change and transition are a part of any organization. There are changes in personnel, policy and procedures. The Interstate Commission is not immune from these factors. They affect that way the MIC3 staff interacts with the states and how the commissioners interact with their councils.

During 2013, seven states made commissioner changes. There were changes in who were the points of contact in three other states. The Commission also added three states and the District of Columbia to its ranks. Currently, there are five members without a commissioner. In addition, about 80 percent of the states that have adopted the Interstate Compact have functioning state councils.

The MIC3 staff is working diligently to help state offices of boards and commissions and/or the MIC3 state commissioners to fill the position vacancies within their states. As part of this process, each state has a page on the MIC3 website. We ask that the state commissioners assist the staff in keeping these pages and the new state profiles pages up to date by sending us any changes to the state council and state personnel when they occur.



MIC3 COMMISSIONERS: Getting to Know

OHIO - Pete LuPiba



With twenty years of career experience working the halls of the Ohio Statehouse, the editorial boards of both urban and rural areas and the civic forums in suburbia, Pete LuPiba has a unique background in communication strategies and public service. Serving as a top advisor to a Lieutenant Governor (the first African American woman elected to this office in the nation), four state-wide Public

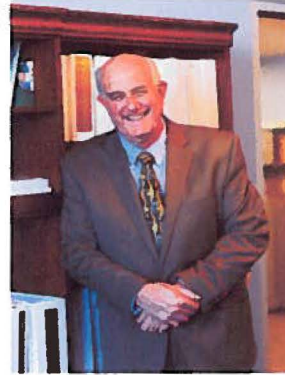
Schools Superintendents (since 2007), two interim state-wide Public Schools Superintendents and two state Senators.

LuPiba served on the front lines of the global war on terrorism, enlisting in the Fall of 2004. From the Midwest to the Middle East, LuPiba completed an Operation Iraqi Freedom tour of combat duty with the United States Navy's Explosive Ordnance Disposal Mobile Unit 11 in 2006. LuPiba's places of work have been the intense situations of combat operations and the instantaneous news-cycle of government budgets, trending topics, education policies, war-time realities, generational shifts and cultural events. Also, LuPiba is a graduate student at the Annenberg School of Journalism, USC.

During the Spring of 2013, LuPiba was the first Commissioner to add a member of the high education community to the state's MIC3 Council. LuPiba felt this natural component was critical to the future because of dual enrollment elements and several Ohio community colleges locating classes and connections on high school campuses in the Buckeye state. Governor John R. Kasich appointed military veteran LuPiba as Ohio's MIC3 Commissioner, succeeding Tom Rutan – upon Rutan's retirement, in the fall of 2012. LuPiba is the current Public Affairs Officer for the Ohio Department of Education.

LuPiba sits on several community and philanthropy boards, such as Ohio Veterans United, the Zeta Chapter Alumni Association of Alpha Sigma Phi and the Philippine American Society of Central Ohio. LuPiba is married to Jen, a project marketing director for a well-known high tech (information technology) company. The couple has a twenty-two month old daughter and is expecting another beautiful girl in May 2014. The family attends Covenant Presbyterian Church, where Pete serves as the Chairman of the Board of Deacons. The family resides in the Grandview area of Columbus.

MAINE - James E. Rier, Jr.



James E. Rier, Jr. was appointed by Governor Paul R. LePage as the new Maine Commissioner to the Interstate commission only 16 days after being sworn in as Acting Commissioner of the Maine Department of Education on October 8, 2013.

Following two terms on the State Board of Education during which he led

the overhaul of the State's school construction process and served as Board Chair from 1997 to 2000, Acting Commissioner Rier joined Maine DOE in 2003 as Director of Finance and Operations. He was named by Commissioner Stephen Bowen as Deputy Commissioner in 2011.

In his tenure at Maine DOE, Acting Commissioner Rier has established himself as the state's foremost expert in education funding, and has headed reforms to the School Funding Law, Child Development Services and the Maine DOE that have increased transparency and accountability. In addition to overseeing day-to-day operations, he has been responsible for implementation and management of the Essential Programs and Services Funding Model and the 2005 School Funding Law; school audits; all school facilities, transportation and nutrition programs; teacher certification; data management; and state and federal reporting.

Prior to joining Maine DOE, Acting Commissioner Rier was a Senior Project Engineer at Buick and worked for 25 years as President of Rier Motors Co., a car dealership in his native Machias founded by his father. Committed to community service, in addition to his time on the State Board, he also has served on the Board of Directors for Bangor Hydro Electric Co., the Maine Community Foundation, the Regional Medical Center at Lubec and the Washington County Education & Economic Development Alliance, which he chaired.

He has been recognized by the Maine School Superintendents Association, the Maine Coalition for Excellence in Education, the Maine Municipal Association and the American Lung Association for his outstanding leadership and service to education in Maine. He also has twice been honored by the Governor's Office as Maine DOE's Manager of the Year, having been nominated by the team he supervised and the Department's Commissioner at the time.

ITEM

ITEM 1 – WELCOME AND CALL TO ORDER

1. The meeting was called to order and the roll was taken was taken by General Arflack. 37 of 43 States present.
2. Dr Mick Zais, the Commissioner from South Carolina, gave a short address welcoming the Commission on behalf of himself and Governor Nikki Haley. John McCauslin, Chief Executive Officer of the Air Force Sergeants Association gave a brief statement thanking the Commission for the work they do and presented the Chair with a small memento.
3. Kathleen Berg then officially welcomed everyone and asked all Commissioners and Ex-Officio members to give a short brief of their position and duties.
4. The Commission approved the current agenda. The minutes from the 2011 Annual Meeting were amended to reflect that the 2010 National Conference should be called the 2010 National Meeting, the minutes were then approved.

ITEM 2 – EXECUTIVE DIRECTORS REPORT

5. General Arflack emphasized that that the primary role of the National Office was to provide support to the Commission. General Arflack made a brief comment on the budget and the process they go through to ensure that it remains correct.
6. General Arflack confirmed that an audit was carried out and everything was found to be in order. Copies of the report were available should anyone wish to read them.
7. The General explained that it had been a busy year for training and that he had traveled a lot visiting State Councils and giving presentations where needed. He emphasized that he was happy to travel and to please let him know if you wanted him to attend any of your meetings/presentations you feel may be of benefit.
8. General Arflack informed the members that the organization now has 43 member States. This was due to the efforts of Ed Kringer, DoD, and his staff. He felt that as new legislation sessions were about to start that he expected a few more to join up in the near future.

ITEM 3 – COMMITTEE REPORTS

9. **Compliance Committee.** Mike Reed stated that the issues before the compliance Committee were to be discussed during the Executive Session.
10. **PR and Training Committee.** Rosemarie Kraeger opened by thanking the National Staff and Kathy Facon for their support during this year. Rosemarie explained that the first part of the Strategic Plan was accomplished by holding the New Commissioner Training the previous day which had been very successful

Rosemarie Kraeger went to explain that a number of objectives were in the pipeline for the forthcoming year, including attendance at national meetings and conferences to further expand our visibility. She felt they needed to ensure these were aimed at the right audience and that it was key to pick the right meetings/conferences to attend.

Rosemarie Kraeger also talked about the Interactive Brochure which is live online, she also explained about the support the National Office supplied to the setting up of State Councils.

Rosemarie introduced the MIC3 Toolkit which had been made available on CD to all commissioners and contained a lot of useful information.

Kathleen Berg thanked all those involved in the new commissioner training on the previous day.

11. **Finance Committee.** Pam Deering opened by informing the Commission that the audit has now been completed and was approved with no issues.

Pam Deering went on to give a brief summary on the budget for FY12, whilst the budget shows the Commission in the black the figures from the 2012 Annual Meeting will not be added until Nov/Dec when there will be a more accurate reflection.

Pam Deering also asked that everyone try and get their expenses in as soon as possible. This would help show a more accurate fiscal picture much sooner.

General Arflack stated he was confident they would have dues payment from all states by the close of the current FY. He added that the process of obtaining the dues was becoming easier as we found the right points of contact to send the invoices. General Arflack also reminded the Commission that at the beginning of FY14 we change to the reside database. Everyone will see those changes reflected in their dues.

Pam Deering explained that the dues sheet for FY14 that was handed out can be used to obtain payment in time for it to be processed on receipt of the invoice.

12. Cheryl Serrano asked if there was a goal to have an amount of expenditure in reserve and if that was the case if we then changed from the \$1 per military child.

General Arflack commented that they had this discussion previously and that they were getting better at projecting the budget. He added that there were some uncertain times with BRAC on the horizon and would be reluctant to make any changes until they knew what was going to happen with Force Structure. He also mentioned that CSG had suggested a reserve of 25% which they were at this well within. General Arflack added the possibility of adding a small scholarship program.

13. MG (R) Bockel asked the following:

- a. What IRS chapter is the compact organized under.

Rick Masters confirmed that the organization did have tax exempt status. He further added that this needed to be looked into and that we were filing

correctly and maybe we needed an official letter from the IRS confirming our status.

- b. Were all the FY12 dues collected

Yes, all dues were collected in FY12

c. How is the money invested

CSG invests the money into a low interest account, he added that the Finance may want to re-visit this issue.

14. Shelley Weiss made a motion to authorize the General Counsel to investigate what the proper filing status should be and to act accordingly. The motion was passed unanimously.

15. Cheryl Serrano asked if there were things that were being done at the State level that may be eligible for re-imbursement and if this was legal and if so how we could go forward in this area. Kathleen Berg suggested this had been looked at previously and would be difficult to accomplish, coupled with this we are still trying to attract more States and at this point we will need more money for training.

16. Mark Oettinger asked if the Commission had Directors and Officers insurance. General Counsel indicated that they did. It was one of the services provided by CSG.

17. Following comment by Shelley Weiss, Kathleen Berg suggested that each State added a small descriptive profile about their individual State which would include State Council information and training, how the State is structured and other pertinent information.

18. Kathy Facon mentioned that DoDEA were required to provide to Congress annual figures on projected growth and loss. The report had been carried out for the past 8 years. This year may provide an idea on where they stand with BRAC and offered up a link to this and previous reports on this issues.

Kathy Facon also mentioned that the exposure needed to be at the lowest level and whilst large meetings and conferences were a great idea the lower level is where the information was badly needed.

19. Greg Lynch asked if we were different to other Compacts regarding what to do with excess money. The General Counsel answered that in his opinion they were consistent with other compacts and they were being well managed.

20. A motion was made to approve the budget as proposed by the finance Committee. Motion passed unanimously.

21. The following 2 questions were asked by a member of the Commission:

a. Where are the figures obtained for the number of students that the dues are based on? *General Arflack responded by stating that the figures were obtained from DoD on an annual basis.*

b. Is the Commission competitive regarding the salaries that are paid to the staff at the National Office to ensure that the staff remains in place? *General Arflack commented by stating that whilst they were by no means at the high end of the salary range for these positions they were manageable salaries.*

22. **General Counsel Report.** Rick Masters outlined his responsibilities as well as reminding the members that there are a number of advisories published on the web.

Rick talked about he is involved in the day to day matter of answering questions when the need arises in consort with the staff at the National Office. He stated that he continues to work with the non-member states and DoD in trying to encourage the remaining non-member states to enact legislation. Rick Masters also gives testimony when required at legislative sessions.

A motion was made and passed to place the meeting into closed session. The meeting was re-opened.

23. Rules Committee Report. Mary Gable firstly thanked the members of the Rules Committee for the work they have carried during the previous 12 months. Mary then went on to talk about the Kindergarten rule. Mary explained that the word "enrollment" with regard to Kindergarten needed clarification. She further explained that the committee had discussed the proposed language change on 2 separate occasions during the year. The proposed language change was as follows:

"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."

Mary Gable went to add that the committee had discussed putting a time limit on attendance was not the recommendation of the committee, but rather the language of enrolled and attended.

24. Mary Gable opened the floor to public comment on the proposed rule change. Attached is a letter that was read by Melissa Luchau from Virginia opposing the rule change.

25. Having no further comments from the floor Mary Gable made a motion to accept the proposed language stated in paragraph 21. Mary Gable commented that she understood the needs and concerns raised by Virginia and understood them but that the ages of children entering kindergarten varied from State to State and that any State that wanted to be more lenient they could do so.

26. Kathy Facon mentioned that one of the concerns that had been expressed was the definition of Kindergarten. She stated that there may have to be further discussion in this area. The Chair stated that this question should be tabled until the Rule's Committee can take a look at it if they felt it needed to.

27. Charles Patterson commended Virginia for their comment. He added that he felt the idea was not to give military children an advantage in this area but to level the playing field and felt that this language helped to do this.

28. Anne Wescott talked about how Virginia has managed this process. She added that Virginia will continue to implement the policy the way in which they have been doing as she felt they could be more flexible in this area.

29. Paul Aguilar talked about the constitution of New Mexico providing a free and appropriate education. He wondered what the implications would be for those States that had this requirement being asked to accept a child that may not meet those statutory requirements that would be contradictory to the Compact. Paul Aguilar also asked about accepting a child into a program that may not be age appropriate.

Rick Masters stated that to the extent that there is a conflicting statute, any conflicting statute must yield. He further added that the constitution was another matter and not having had the opportunity to look at this he would be unable to comment at this point.

Kathleen Berg added that it may be better to have options of placing children into age appropriate classes. She stated that if the child was placed too early into higher age classes it may have detrimental implications on the child for years to come.

Rick Masters further added that if the State made a decision to an additional accommodation that this would be the dictate of the State which is the member of the Compact and that the district would not be free to dis-regard what the State has decided.

The motion was made by the Chair to accept the rule change as stated in paragraph 27. The motion was passed and became effective immediately.

30. Kathy Facon agreed to send out again a spreadsheet of the kindergarten start dates for all States which could be used by everyone.

31. Tom Rutan asked if the National Office could post something on the website to explain the Kindergarten rules for new parents sending their children to school for the first time. Kathleen Berg stated this was a great idea and the rules committee and the national office could work together to put something together for approval by the Executive Committee.

32. K. Mark Takai asked if it would be possible to open up future meetings to include MFEL representatives from all States. He suggested that expansion for the annual meeting to 2 personnel and that the finance committee would need to look into this. Cheryl Serrano suggested this could be carried out electronically maybe by webinar? Kathleen Berg said this would be taken under consideration.

ITEM 4 – PRESENTATION – *The Interstate Compact in Hawaii*

33. A presentation was given by the following members from Hawaii:

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

ITEM 5 – ELECTION OF OFFICERS

34. The following officers were elected during the annual meeting.

Chair - Kathleen Berg
Vice Chair - Kate Wren Gavlak
Treasurer - Pam Deering

ITEM 6 – BREAKOUT SESSION REPORTS

35. Attached is a sheet containing the notes from the respective groups which were presented after the breakout sessions had concluded.

ITEM 7 – NEW BUSINESS

Future Meetings

36. The following States offered to host future meetings:

Arizona, Georgia, California, Florida, Tennessee, Nevada, New Mexico

The Chair stated that these would all be looked into and that a decision would be made in the next few months following research by the National Office.

Affiliates Principles Group

37. The Executive Director explained how the APG would work at CSG. Briefing that the group would meet primarily by teleconference with one or possibly two face to face meetings annually. The leadership council will consist of representatives from each of the Affiliates and will provide members the opportunity to have a voice in the policy dictated by CSG. The financial contribution would be \$1000.00 on an annual basis.

A motion was made and passed that MIC3 would become a member of the APG.

ITEM 8 - SUMMARY

38. The Chair commented that as part of the next steps there was now a sub group of States that would focus on the National Guard involvement in the Compact and using the National Guard organizations to assist. The leadership for this would be North Dakota and Hawaii.

39. Kathleen Berg talked about providing an email list of those that would like to be considered as mentors for the newer commissioners. This list would be sent out on a monthly basis and would be sent out only to those that have signed up to receive emails.

Having no other business the meeting was adjourned.



Richard Pryor
Operations Coordinator
MIC3

Copy to:

All personnel listed on Page 1

**INTERSTATE COMPACT FOR EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN
STATE COUNCIL MEETING**

AGENDA

**WEDNESDAY, JULY 10, 2013
9:30 – 11:30 AM**

- 1. INTRODUCTIONS**
MS. MARY GABLE
ASSISTANT STATE SUPERINTENDENT FOR ACADEMIC
POLICY & INNOVATION
MARYLAND STATE COMMISSIONER FOR THE INTERSTATE
COMPACT

- 2. SPECIAL EDUCATION – TRANSITIONING A**
STUDENT RECEIVING SPECIAL EDUCATION
SERVICES
MS. DONNA RILEY
BRANCH CHIEF, POLICY & ACCOUNTABILITY BRANCH
DIVISION OF SPECIAL EDUCATION/EARLY INTERVENTION
BRANCH

- 3. STUDENT 2 STUDENT PEER HELPER**
MS. CAROL MOHSBERG
SCHOOL LIAISON OFFICER
NAVAL SUPPORT ACTIVITY ANNAPOLIS

- 4. UPDATE – MIC3 MATERIALS**
MS. MARY GABLE

- 5. MILITARY SITUATIONS FROM THE STATE**
AND LOCAL PERSPECTIVE
MS. MARY GABLE
MS. CAROL MOHSBERG
MR. WILLIAM CAPPE
EDUCATION PROGRAM SPECIALIST
COMMUNICATION, PARTNERSHIPS & GRANTS
MS. SARAH BONISE
SCHOOL LIAISON OFFICER
U.S. DEPT. OF THE ARMY, FORT MEADE
MS. LUCIA MARTIN
RESOURCE COUNSELOR
ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

- 6. INFORMATION TO SHARE**
MR. MICHAEL LINKINS
SPECIALIST, SCHOOL COUNSELING
DIVISION OF STUDENT, FAMILY AND SCHOOL SUPPORT

- 7. OTHER DISCUSSION**
STATE COUNCIL

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

Interstate Compact
on
Educational
Opportunity
for
Military Children

MIC3

Military Interstate
Children's Compact Commission



Military Interstate Children's
Compact Commission
2760 Research Park Drive
Lexington, Kentucky 40578

(859) 244-8133



www.mic3.net



RESOLVING EDUCATION
TRANSITION ISSUES
FOR MILITARY FAMILIES

What Are the Issues?

Military families encounter school challenges for their children for enrollment, eligibility, placement and graduation due to frequent relocations in service to our country.

What is the Compact?

The Compact provides for the uniform treatment of military children transferring between school districts and states. It was developed by The Council of State Governments' National Center for Interstate Compacts, the Department of Defense, national associations, federal and state officials, departments of education, school administrators and military families.

What Happens After a State Joins the Compact?

Each state must adopt the Compact through their legislative process. Participation is voluntary. Each state appoints representation to a governing commission responsible for enacting rules to implement the Compact. Each participating state also creates a state council based on the requirements of their state legislation.

How Do I Learn More About the Compact?

You should visit the Interstate Commission's website at: www.mic3.net

What Children Are Eligible for Assistance Under the Compact?

Children of:

- Active duty members of the uniformed services, National Guard and Reserve on active duty orders
- Members or veterans who are medically discharged or retired for (1) year
- Members who die on active duty

What Children Are Not Eligible for Assistance Under the Compact?

Children of:

- Inactive members of the National Guard and Reserves
- Members now retired not covered above
- Veterans not covered above
- Department of Defense personnel, federal agency civilians and contract employees not defined as active duty

Interstate Compact on Educational Opportunity for Military Children

What Are Some of the Specific Educational Issues That the Compact Covers?

Enrollment

- Educational Records
- Immunizations
- Kindergarten & First Grade Entrance Age

Placement & Attendance

- Course & Educational Program Placement
- Special Education Services
- Placement Flexibility
- Absence Related to Deployment Activities

Eligibility

- Eligibility for Student Enrollment
- Eligibility for Extracurricular Participation

Graduation

- Waiving courses required for graduation if similar course work has been completed
- Flexibility in accepting state exit or end-of-course exams, national achievement tests, or alternative testing in lieu of testing requirements for graduation in the receiving state
- Allowing a student to receive a diploma from the sending school instead of the receiving school

Who Do I Contact in My State or School District to Learn More About What is and is Not Covered in the Compact?

You should contact your State Compact Commissioner. Contact information for each State commissioner can be found on the Commission website at: www.mic3.net



Is There a Person at the Military Installation Who Can Help Me Understand the Compact Issues and Requirements for Local School Districts?

You should contact the School Liaison Officer at your local installation. For a listing of School Liaisons in your area, visit the Military K—12 Partners website at:

www.militaryk12partners.dodea.edu

What Happens if the Member State Does Not Comply with the Compact?

The Compact provides for a governance structure at both the state and national levels for enforcement and compliance.

Where is the Compact in Terms of Implementation at the National and State Levels?

Over forty states have adopted the Compact. The Department of Defense will continue to work with the Commission, Council of State Governments, national organizations, and state leaders to bring the remaining states on board. Member states are forming their State Councils and informing school districts of the terms of the Compact. The Commission meets annually working to implement and communicate the requirements of the Compact.



Military Interstate Children's
Compact Commission
2760 Research Park Drive
Lexington, Kentucky 40578
(859) 244-8133

www.mic3.net

WHAT PARENTS, SCHOOLS AND ADMINISTRATORS SHOULD KNOW:

What is the Interstate Compact on Educational Opportunity for Military Children?

The Compact deals with the challenges of military children and their frequent relocations. It allows for uniform treatment as military children transfer between school districts and states. Each participating state must adopt the Compact through legislation. Each Compact state will appoint representation to an on-going governing Commission which will enact necessary rules. The Compact calls for the development of State Councils in each member state. Each State Council may be tasked with development of policy concerning operations and procedures of the compact within the state.

Students are covered under the Compact

A student enrolled in K-12 in the household of a 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.

Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement.

Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

Students are not covered under the Compact

The Compact does not apply to children of:

Inactive members of the national guard and military reserves

Members of the uniformed services now retired not covered in the above

Veterans of the uniformed services not covered in the above

Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Data the school should expect the military child/family to be able to provide upon transfer

Official military orders showing that the military member was assigned to the state (or commuting area) of the state in which the child was previously duly enrolled and attended school.

If a military child was residing with a legal guardian and not the military member during the previous enrollment they will have a copy of the family care plan, or proof of guardianship, as specified in the Interstate Compact, or any information sufficient for the receiving district to establish eligibility under the compact.

An official letter or transcript from the proper school authority which shows record of attendance, academic information, and grade placement of the student.

Documented evidence of immunization against communicable disease.

Evidence of date of birth.

RESPONSIBILITIES OF THE SENDING / RECEIVING SCHOOL

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

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

Educational and Enrollment Records

Unofficial or "hand-carried" education records

Custodian of Records sends unofficial records to parents.

School shall enroll and appropriately place student pending validation of official records.

Official Education Records/Transcripts

Receiving state shall request student's official education records from sending state.

Sending state's school will furnish official education records within ten (10) days or reasonably determined time promulgated by the Interstate Commission.

Immunization

Student is given thirty (30) calendar days from the date of enrollment.

Series Immunization.

For a series of immunizations, initial vaccinations must be obtained within thirty (30) calendar days.

Kindergarten and First Grade Entry Age

Receiving state shall allow student to continue their enrollment at grade level from sending state and promote student that satisfactorily completed prerequisite grade level in sending state, regardless of age.

Student transferring after school year starts shall enter school on their validated level from accredited sending school state

WHAT PARENTS, SCHOOLS AND ADMINISTRATORS SHOULD KNOW:

RESPONSIBILITIES OF THE SENDING / RECEIVING SCHOOL (CONT.)

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

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

Graduation

Waiver Requirements

Specific required courses shall be waived if similar course work has been satisfactorily completed.
If waiver is denied, LEA shall provide an alternative means of acquiring required coursework so child may graduate on time.

Exit Exams

States shall accept:

Exit or End-of-Course exams.
National Norm-Referenced Achievement Test.
Alternative Testing.
If the above alternatives cannot be accommodated then the provisions of Article VII, Section C shall apply.

Transferring beginning or during senior year:

If student is ineligible to graduate after all alternatives have been considered, the sending and receiving LEAs shall ensure the receipt of a diploma if student meets graduation requirements of sending LEA..

If one of the states in question is not a member of the Compact, the member state shall use best efforts to facilitate the on-time graduation in accordance with the Waiver Requirements and Exit Exams.

Placement and Attendance

Course Placement

Receiving school shall honor placement based on student's previous enrollment and/or educational assessments.
Receiving school not barred from performing subsequent evaluations to ensure appropriate placement and continued enrollment.

Educational Program Placement

Shall honor placement based on current educational assessments.
Receiving school not barred from performing subsequent evaluations to ensure appropriate placement.

Special Education Services

Comply with IDEA.
Shall provide comparable services based on his/her current IEP.
Comply with Section 504 and Title II of the Americans with Disabilities Act.
Shall make reasonable accommodations and modifications of incoming students with disabilities.
Receiving school not barred from performing subsequent evaluations to ensure appropriate placement.

Placement Flexibility

LEA officials shall have flexibility in waiving course/program prerequisites.

Absence as Related to Deployment Activities

Shall be granted additional excused absences at the discretion of LEA superintendent.

Eligibility for Enrollment

Special power of attorney or relative to the guardianship of child can enroll a child.

LEA shall not charge local tuition when transitioning military child resides in a jurisdiction other than that of the custodial parent.

Transitioning military child may continue to attend school in which he/she was enrolled.

Transitioning military children shall have the opportunity to participate in extracurricular activities, if qualified, regardless of application deadlines.

How can schools get support to help in this process?

Member states each have a State Council designed to serve as an advisory body of state policy makers concerning operations and procedures of the compact. Individual states' language may differ but all operate with in the rules of the Interstate Compact.

For additional resources and assistance, please visit our website at:

<http://www.mic3.net>

What is the Interstate Compact on Educational Opportunity for Military Children?

The Compact deals with the challenges of military children and their frequent relocations. It allows for uniform treatment as military children transfer between school districts and states. Each participating state must adopt the Compact through legislation. Each Compact state will appoint representation to an on-going governing Commission which will enact necessary rules. The Compact calls for the development of State Councils in each member state. Each State Council may be tasked with development of policy concerning operations and procedures of the Compact within the state.

RESPONSIBILITIES OF THE SENDING / RECEIVING SCHOOL

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

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

Educational and Enrollment Records

Unofficial or “hand-carried” education records

Custodian of Records sends unofficial records to parents.

School shall enroll and appropriately place student pending validation of official records.

Official Education Records/Transcripts

Receiving state shall request student’s official education records from sending state.

Sending state’s school will furnish official education records within ten (10) days or reasonably determined time promulgated by the Interstate Commission.

Immunization

Student is given thirty (30) calendar days from the date of enrollment.

Series Immunization.

For a series of immunizations, initial vaccinations must be obtained within thirty (30) calendar days.

Kindergarten and First Grade Entry Age

Receiving state shall allow student to continue their enrollment at grade level from sending state and promote student that satisfactorily completed prerequisite grade level in sending state, regardless of age.

Student transferring after school year starts shall enter school on their validated level from accredited sending school state.

Eligibility for Enrollment

Special power of attorney or relative to the guardianship of child can enroll a child.

LEA shall not charge local tuition when transitioning military child resides in a jurisdiction other than that of the custodial parent.

Transitioning military child may continue to attend school in which he/she was enrolled.

Transitioning military children shall have the opportunity to participate in extracurricular activities, if qualified, regardless of application deadlines.

WHAT SCHOOLS AND ADMINISTRATORS SHOULD KNOW:

Graduation

Waiver Requirements

Specific required courses shall be waived if similar course work has been satisfactorily completed.

If waiver is denied, LEA shall provide an alternative means of acquiring required coursework so child may graduate on time.

Exit Exams

States shall accept:

Exit or End-of-Course exams.

National Norm-Referenced Achievement Test.

Alternative Testing.

If the above alternatives cannot be accommodated then the provisions of Article VII, Section C shall apply.

Transferring beginning or during senior year:

If student is ineligible to graduate after all alternatives have been considered, the sending and receiving LEAs shall ensure the receipt of a diploma if student meets graduation requirements of sending LEA.

If one of the states in question is not a member of the Compact, the member state shall use best efforts to facilitate the on-time graduation in accordance with the Waiver Requirements and Exit Exams.

Placement and Attendance

Course Placement

Receiving school shall honor placement based on student's previous enrollment and/or educational assessments.

Receiving school not barred from performing subsequent evaluations to ensure appropriate placement and continued enrollment.

Educational Program Placement

Shall honor placement based on current educational assessments.

Receiving school not barred from performing subsequent evaluations to ensure appropriate placement.

Special Education Services

Comply with IDEA.

Shall provide comparable services based on his/her current IEP.

Comply with Section 504 and Title II of the Americans with Disabilities Act.

Shall make reasonable accommodations and modifications of incoming students with disabilities.

Receiving school not barred from performing subsequent evaluations to ensure appropriate placement.

Placement Flexibility

LEA officials shall have flexibility in waiving course/program prerequisites.

Absence as Related to Deployment Activities

Shall be granted additional excused absences at the discretion of LEA superintendent.

How can schools get support to help in this process?

Member states each have a State Council designed to serve as an advisory body of state policy makers concerning operations and procedures of the compact. Individual states' language may differ but all operate within the rules of the Interstate Compact.

For additional resources and assistance, please visit our website at: <http://www.mic3.net>



WHAT PARENTS, FAMILIES AND GUARDIANS SHOULD KNOW:

What is the Interstate Compact on Educational Opportunity for Military Children?

The Compact deals with the challenges of military children and their frequent relocations. It allows for uniform treatment as military children transfer between school districts and states. Each participating state must adopt the Compact through legislation. Each Compact state will appoint representation to an on-going governing Commission which will enact necessary rules. The Compact calls for the development of State Councils in each member state. Each State Council may be tasked with development of policy concerning operations and procedures of the compact within the state.

Students are covered under the Compact

A student enrolled in K-12 in the household of a 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.

Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement.

Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

Students are not covered under the Compact

The Compact does not apply to children of:

Inactive members of the national guard and military reserves

Members of the uniformed services now retired not covered in the above

Veterans of the uniformed services not covered in the above

Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Data the military family/parent/guardian should provide to the school upon transfer

Official military orders showing that the military member was assigned to the state (or commuting area) of the state in which the child was previously duly enrolled and attended school.

If a military child was residing with a legal guardian and not the military member during the previous enrollment they will have a copy of the family care plan, or proof of guardianship, as specified in the Interstate Compact, or any information sufficient for the receiving district to establish eligibility under the compact.

An official letter or transcript from the proper school authority which shows record of attendance, academic information, and grade placement of the student.

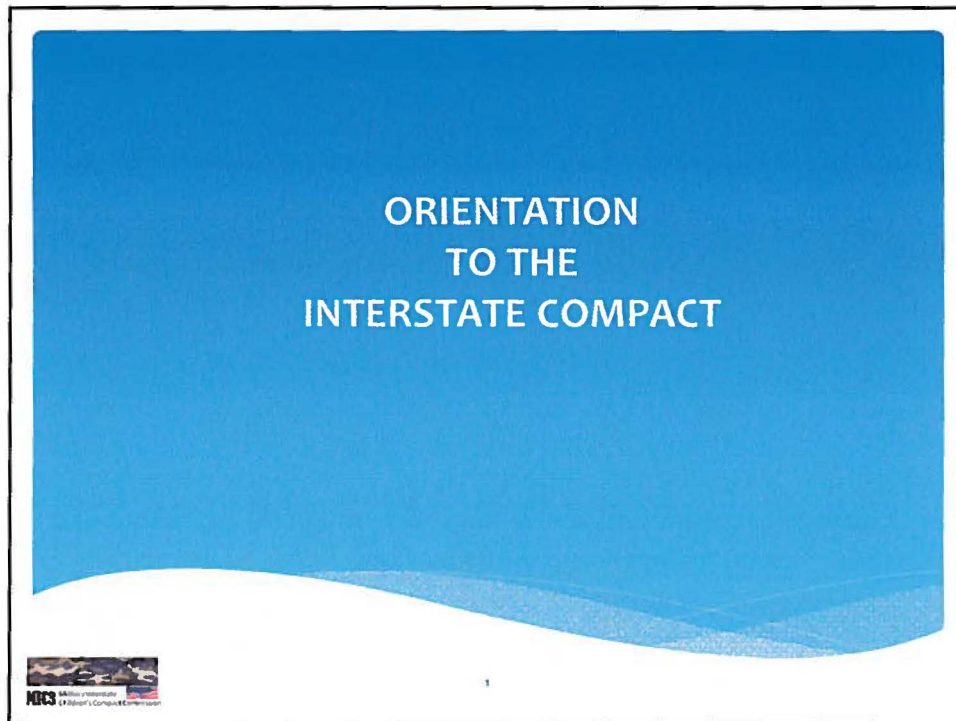
Documented evidence of immunization against communicable disease.

Evidence of date of birth.

For additional resources and assistance, please visit our website at:

<http://www.mic3.net>

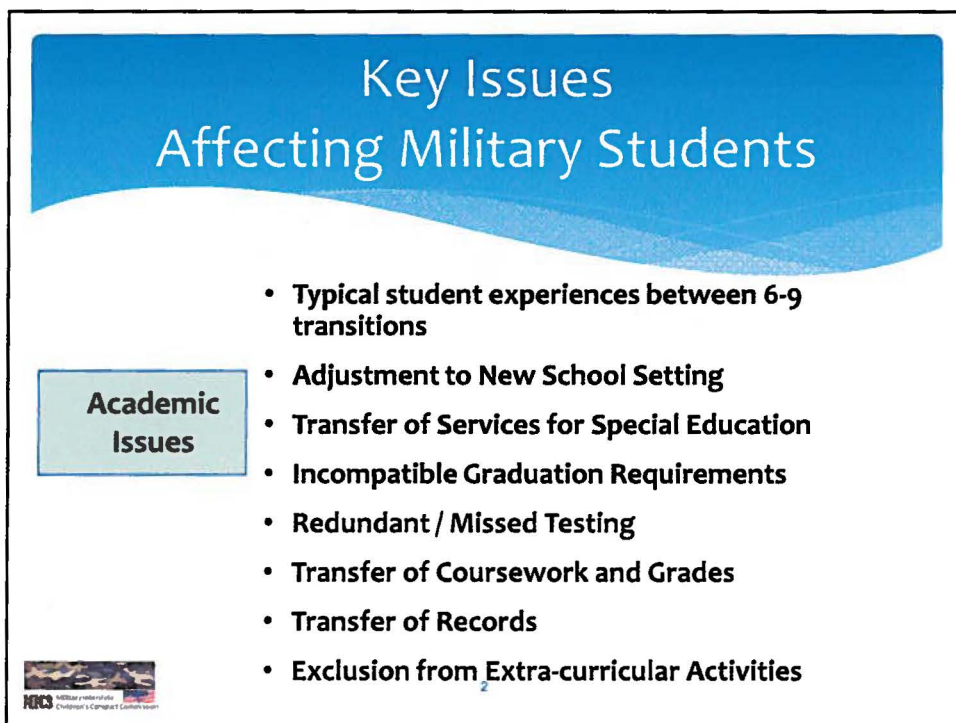
Military Interstate Children's Compact Commission
2760 Research Park Drive, P.O. Box 11910, Lexington, KY 40578-1910



ORIENTATION TO THE INTERSTATE COMPACT

MRC Military & Veterans
Transition & College & Career Center

1



Key Issues Affecting Military Students

**Academic
Issues**

- **Typical student experiences between 6-9 transitions**
- **Adjustment to New School Setting**
- **Transfer of Services for Special Education**
- **Incompatible Graduation Requirements**
- **Redundant / Missed Testing**
- **Transfer of Coursework and Grades**
- **Transfer of Records**
- **Exclusion from Extra-curricular Activities**

MRC Military & Veterans
Transition & College & Career Center

2

Key Issues Affecting Military Students

Interpersonal Issues Affecting Performance

- **Social and Emotional Needs - New Friends/Peers**
- **1 in 15 military dependents have lost a parent to war**
- **Typical deployments vary from 45 days – 1+ yrs**
- **Deployments can be sudden / no notice**
- **Recent AF survey showed that even parents who don't deploy cope more poorly due to increased work load**
- **Issues can also begin during reintegration when the military member returns**



3

Background and Status

- **Developed by The Department of Defense, with assistance from The Council of State Governments**
- **Input and assistance from national associations, federal and state officials, and departments of education and superintendents**
- **Adopted by 46 states and the District of Columbia (approximately 98 percent of military school-age children in the US)**




4



Major Points

- **The Compact addresses key educational transition issues encountered by military families including enrollment, placement, attendance, eligibility and graduation.**
- **Children of active duty members of the uniformed services, National Guard and Reserve on active duty orders, and members or veterans who are medically discharged or retired for one year are eligible for assistance under the Compact.**


 Military and Veterans
 Children's Compact Commission

6

Major Points

- Compact designed to resolve recognized education transition issues
- Compact not intended to impact curriculum or local standards of education
 - Recognizes the authority and responsibility of states and local education agencies
 - Would have been a major obstacle in obtaining state membership



7

Compact Content

- * Article I – Purpose
- * Article II – Definitions
- * Article III – Applicability
- * **Article IV – Enrollment**
- * **Article V – Placement and Attendance**
- * **Article VI – Eligibility**
- * **Article VII – Graduation**
- * Article VIII – State Coordination
- * Article IX – Interstate Commission



8

Article IV - Enrollment

- * Educational Records
- * Immunizations
- * Entrance Age (Kindergarten)



9

Article V - Placement and Attendance

- * Course and Program Placement
- * Special Education Services
- * Placement Flexibility
- * Absence Related to Deployment



10

Article VI – Eligibility

- * Enrollment
- * Extracurricular Participation



11

Article VII – Graduation

- * From Receiving State
- * From Sending State
- * Exit Exams



12

National Commission Duties

- **Establish by-laws for the Commission's governance and for directing the Commission's actions or conduct.**
- **Establish rules to effectively and efficiently achieve the purposes of the Compact.**
- **Monitor compliance and initiate interventions to address and correct noncompliance.**
- **Coordinate training and education regarding regulations.**
- **Elect the Executive Committee and establish other committees as necessary.**



13

State Governance

- * **State coordination is governed by Article VIII of the Interstate Compact.**
- * **Each State has:**
 - **State Commissioner**
 - **State Council**
 - **Military Family Education Liaison**



14

Role of State Commissioner

- **Compact mission & purpose are promoted**
- **Appointment is compliant with Statute**
- **State Council is functioning**
- **Adequate Resources are available**
 - **Staff**
 - **Training**
 - **Capabilities/ Technology**



15

Role of State Commissioner

- **Dues are paid**
- **Informal disputes are handled**
- **Working relationships are developed and maintained with:**
 - **National Office**
 - **Education Departments**
 - **State Council Members**
 - **School Liaison Officers**
 - **Other Commissioners**
 - **Military Installations**



16

State Council Responsibilities

- **Designed to serve as an advisory and advocacy body**
- **May be tasked with development of policy concerning operations and procedures of the compact within that state.**
- **Assist the State Commissioner with their responsibilities.**
- **Promote and advocate the Interstate Compact to school administrators**
- **State Compact language may differ from the Model, particularly as related to members of the state council (refer to the Compact as adopted in your state.)**



17

Role of National Office

Secretary/Clearinghouse to the Commission

- **Documents**
- **Meeting Minutes**
- **Commission Business**

Resource Center

- **Technical & Training Assistance**
- **Publications**
- **Website**
- **Directory of States Compact Offices**
- **Legal Assistance/Opinions**



18

Services Provided

#1 Priority is to serve the Commission

- Assist Commission, Committees & State Commissions in carrying out respective missions/goals
- Logistical support
 - Teleconference/Web conferences
 - On-site Meetings/Trainings



19

MIC3 Website

www.MIC3.net

- * #1 communication/resource center
- * Updated frequently
- * Directory of State Compact Offices
- * Discussion Forums



20

Training Assistance

- * Presentations
- * Manuals
- * Supplemental Materials
- * Rules
- * Legal

The image shows a collage of screenshots from the MIC3 website. The top screenshot displays a 'Resources' page with a list of documents. Below it, there are two more screenshots: one showing a presentation slide with a graphic of colorful hands, and another showing a detailed document or manual page. A small MIC3 logo is visible in the bottom left corner of the slide area.

Interstate Compact Issues Case Studies

- * Kindergarten/1st grade entry
- * Enrollment
- * Placement
- * Eligibility
- * Extra-curricular
- * Exit Exams
- * Graduation
- * Each situation is unique – gather all the information before determining how the Compact applies.

The image contains two photographs. The left photograph shows a young child in a light blue shirt being welcomed into a classroom by two women, one of whom is holding a sign with the American flag. The right photograph shows a young child in a military-style uniform, possibly a cadet, being held by an adult.



The Compact provides a valuable tool to help our military families!



23

Contact

- * **Interstate Commission on Educational Opportunity for Military Children**
PO Box 11910
Lexington KY 40578-1910
(859) 244-8069 Phone
(859) 244-8001 Fax
- * **Commission Website**
www.mic3.net



24

Outcomes... as a result of this webinar

- * We will learn why the Interstate Compact was formed.
- * We will identify the major aspects of the Interstate Compact.
- * We will identify the major Compact Content areas.



25

Why have an Interstate Compact?

- * Reassignments usually play havoc with the children of military families:
 - * losing and making new friends
 - * adjusting to new cities and bases
 - * changing schools
- * Much remains to be done at the state and local levels to ensure that the children of military families are afforded that same opportunities for educational success not penalized or delayed in achieving their educational goals.
- * Most military children will have six to nine different school systems in their lives from kindergarten to 12th grade.



26

Interstate Compact in Law

- * The Interstate Compact is adopted as law by the State Legislature.
- * Certain parts may vary from state to state, but the bulk of the Interstate Compact is the same.

(Place State Statute of Code reference HERE)

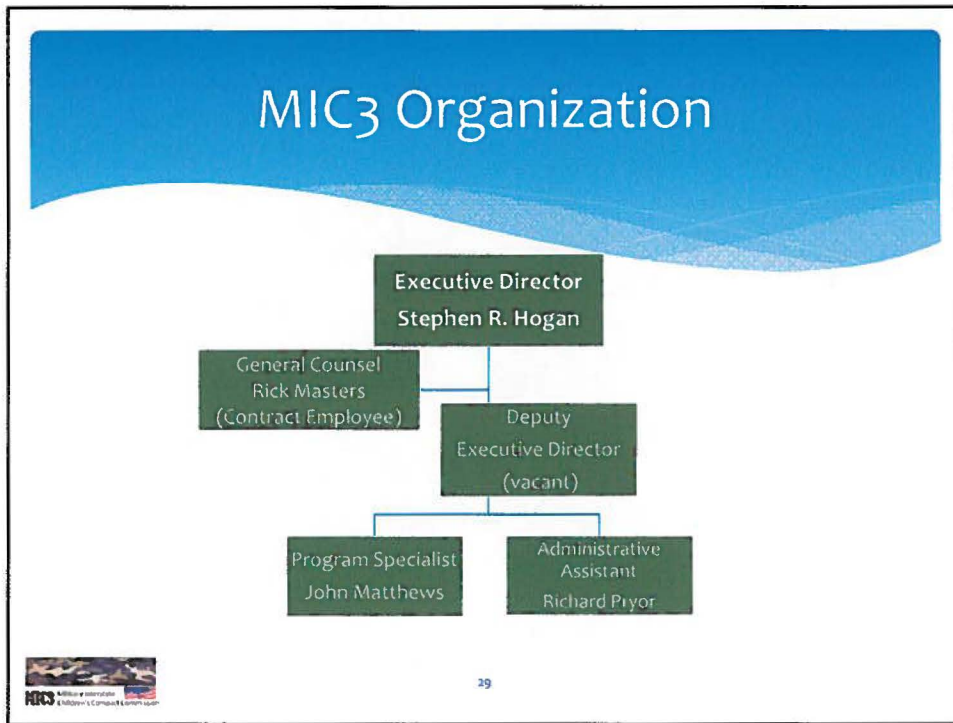


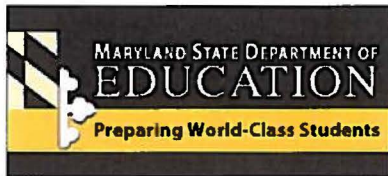
27

MIC3 Workflow Model



28





About MSDE | Divisions | State Board | News Room | School Systems | Testing | Programs

MSDE Home

Programs

- Programs
 - Overview
 - ARRA
 - Awards and Recognition
 - Bridge to Excellence
 - Charter Schools
 - Common Core State Standards
 - Environmental Programs
 - Equity Assurance
 - ESEA Flexibility
 - ESOL/Title III
 - Family Literacy
 - Financial Literacy
 - GED
 - Gifted and Talented
 - Homeless Education Assistance
 - Maryland Skills2Compete
 - Military Families
 - Maryland Schools Support Military Families
 - Military Support Websites
 - Interstate Compact
 - Multicultural Education
 - No Child Left Behind
 - PARCC
 - Parent Involvement Matters Award
 - Race to the Top
 - Residential Education Program
 - Response to Intervention
 - School / Community Nutrition
 - School Wellness Policy
 - Service-Learning
 - STEM Education
 - Teacher and

Programs > [Military Families](#)

Maryland Schools Support Military Families

The Maryland State Department of Education is focused on educational excellence, workforce readiness, and [child care delivery](#). The Department's webpage provides families with a wide array of information about Maryland's local school systems. Maryland.

On this webpage you will find links to [Maryland's 24 local school systems](#); security clearance information; and publications and materials that are topic specific or that provide a snapshot of Maryland's education excellence. In addition, you will find information related to [Teacher Certification and transfer](#); STEM education; the Gifted and Talented program; Minority Achievement; Environmental programs; Autism; Child Care; and Career Technology Education. If you are looking for information specific to a Maryland public school system or school, please visit www.mdreportcard.org which offers assessment and demographic information accountability.

In Maryland we remain focused at making our education system the best in the country – and we're succeeding.

In 2013, for an unprecedented fifth year in a row, [Education Week](#) ranked Maryland's schools number 1 again in the nation in its *Quality Counts* report on high school graduation, student achievement, academic standards, and accountability.

The [College Board](#) also ranked our Advanced Placement (AP) program number 1 in the nation again, ranking first nationwide in the percentage of public school students scoring 3 or higher on at least one AP exam.

You can find brochures detailing all this wonderful news on this website under [publications](#). I can assure you that MSDE will continue to work with all school systems to ensure our State remains at the top – especially as those affected by BRAC begin to call Maryland their home.

Thank You and Welcome to Maryland!

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

Contact Information

MSDE Search

• [Search](#)

Links

- brac.maryland.gov
- [Practicum: Living in the New Normal: Helping Children Thrive in Good and Challenging Times, 10.12.2012](#)
- [Lt. Governor Brown Releases 2009 Annual BRAC Report](#)
- [Publications and Materials](#)
- [MD Base Realignment and Closure \(BRAC\) Subcabinet](#)
- [Security Clearance](#)
- [Project SCOPE \(Security Clearance Overview and Preparation Education\)](#)
- [Community Services Sites](#)
- [AutismConnectMD](#)

Interstate Compact

- [Interstate Compact on Educational Opportunity for Military Children](#)

Military Support Websites

- [Military Support Websites](#)

Bulletin

- [Impact on Services for Students with Disabilities-Oct. 2007](#)

Supporting Students With Deployed Family Members

- [Parents Called to Active Duty: Helping Children Cope](#)
- [Resources for Military Families](#)
- [Military One Source](#)
- [Military Child Education Coalition](#)
- [MCEC Newsletter](#)
- [Military Child Initiative through Johns Hopkins](#)
- [Educator's Guide to the Military Child During Deployment](#)
- [Military Life: Moving and Deployment](#)
- [Navy School Liaison Officer](#)

Principal Evaluation **Mary L. Gable**, Assistant State Superintendent
> Technology/Library Media Division of Academic Policy
Maryland State Department of Education
> Title I 200 West Baltimore Street
Baltimore, MD 21201
> Transportation Phone: 410.767.0473
> 21st Century Learning Centers Fax: 410.333.2275
Email: mgable@msde.state.md.us

[MSDE Privacy Statement Disclaimer](#) | Copyright © 2003 MSDE

**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, 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.