

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

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July 1, 2015

The Honorable Larry Hogan  
State House  
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

Dear Governor Hogan, President Miller, and Speaker Busch:

Pursuant to §7-1303 of the Education Article (MSAR# 7598, and MSAR#8880) the Maryland State Department of Education (MSDE) 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.

The Military Interstate Children's Compact Commission (MIC3) is the national organization leading the work on educational opportunity for military children. MIC3 is proud that with the signing of New York, all 50 states and the District of Columbia are members of the Interstate Compact. The Interstate Compact ensures 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 U.S. Department of Defense, national associations, federal and state officials, the Department of Education of each State, school administrators and military families.

The military child faces a great many challenges, as the military family transfers from one assignment to the next in support of our common defense. The average military student faces transition challenges more than twice during high school and most military children will attend six to nine different school systems in their lives from kindergarten to 12<sup>th</sup> grade. The Compact seeks to make transition easier for the children of military families so that they are afforded the same opportunities for education success as other children and are not penalized or delayed in achieving their educational goals.

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In accordance with the requirement of the Education Article to report on the work of the Interstate Compact, please find attached the agenda for the November 13-14, 2014 Annual Business Meeting of the Interstate Commission on Educational Opportunity for Military Children; the MIC3 Spring 2015 newsletter; and the minutes from the November 19-21, 2013 Commission Meeting (minutes of the 2014 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 16, 2014 meeting of Maryland's State Council for the Interstate Compact. Each state must have a State Council that meets annually. Members of Maryland's 2014 State Council include:

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, Maryland State Department of Education  
Mr. William Cappe, Education Program Specialist, Maryland State Department of Education  
Col. Charles David Zimmerman  
Mr. Reginald Perry  
Mrs. Mary L. Gable, Assistant State Superintendent, Division of Academic Policy and Innovation, and Maryland Commissioner of the Interstate Compact

One of the items that MIC3 has been asked to address and endorse has been the College and Career Ready Standards/Common Core State Standards. Upon review of the Compact and the rules of the Interstate Compact, the Interstate Compact Commission issued the following statement:

Although the Military Interstate Children's Compact Commission (MIC3) has been asked by various parties to endorse the CCSS, such an endorsement is beyond the scope of the Interstate Compact. The Compact rules address policies involving school transitions—eligibility, enrollment, placement, and graduation—and specifically avoid curriculum and standards, about which member states have not agreed. As a government entity, the Commission is empowered to execute only the compact rules to which member states have agreed.

In the course of the 2014-2015 school year, MIC3 issued an Advisory Opinion to a question which originated from Ohio: Whether the Interstate Compact on Educational Opportunity for Military Children is applicable to children of a military member who is not on active duty, as defined by Title 10 of the U.S. Code.

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In response to the request, MIC3 determined that by explicit terms the provisions of the Compact are not applicable to children of a member of the military who is not on active duty as defined by Title 10 of the U.S. Code. (See Compact Art. II, Section A and Art. III, Section A.I.) A copy of the Advisory Opinion is attached for your review.

The Interstate Compact operates under rules that were adopted by the Compact and each state. In order to make these rules available, a Compact Rules Desk Reference was prepared. A copy of that desk reference is attached in hard copy or the rules can be found at <http://www.mic3.net/documents/MIC3CommissionRules-Final-amendedNov2012v2.docx>.

Data on active duty military, as of July 31, 2014, is also attached for your review. Maryland is proud to serve 19,586 children, aged 5 – 18, from active duty military members in the Army, Navy, Marine Corps, Air Force, Department of Defense, and Coast Guard.

Should you have any questions regarding this report, please feel free to contact Mary Gable at 410-767-0472 or by email at [mary.gable@maryland.gov](mailto:mary.gable@maryland.gov). 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: Mary L. Gable, Maryland State Commissioner, Assistant State Superintendent, Division of Academic Policy  
Penelope Thornton Talley, Chief Performance Officer  
Amanda Conn, Director of Education Policy and Governmental Relations

Enclosures:

November 2014 Annual Business Meeting Agenda  
MIC3 Spring 2015 Newsletter  
2013 Commission Meeting Minutes  
Maryland State Council Meeting Agenda – July 16, 2014  
MIC3 Advisory Opinion #1-2014  
Compact Rules Desk Reference  
Active Duty Military as of July 31, 2014

**INTERSTATE COMPACT FOR EDUCATIONAL  
OPPORTUNITY FOR MILITARY CHILDREN**

**STATE COUNCIL MEETING  
JULY 16, 2014  
9:30 – 11:30 AM**

**AGENDA**

- |   |  |
|---|--|
| <b>1. INTRODUCTIONS &amp;<br/>WELCOME</b>                         | <b>MS. MARY GABLE<br/>ASSISTANT STATE SUPERINTENDENT FOR<br/>ACADEMIC POLICY &amp; INNOVATION<br/>MARYLAND STATE COMMISSIONER FOR<br/>THE INTERSTATE COMPACT</b> |
| <b>2. SUGGESTED CASE SCENERIOS<br/>AND REAL LIFE CASE STUDIES</b> | <b>MS. MARY GABLE<br/><br/>MR. MICHAEL LINKINS<br/>SPECIALIST, SCHOOL COUNSELING<br/>DIVISION OF STUDENT, FAMILY AND<br/>SCHOOL SUPPORT</b>                      |
| <b>3. COMMUNICATION</b>   | <b>MS. MARY GABLE</b>  |
| <b>4. GUIDANCE FROM THE<br/>STATE COUNCIL</b>                     |  |





- Approval of the Minutes from 2013 MIC3 Annual Meeting
- 8:45 a.m.            **Public Comment**
- 9:00 a.m.            **Commemoration – Adoption by 50 States and District of Columbia**
- 9:15 a.m.            **Executive Reports**
- **Executive Committee Report – Kathleen Berg, Chair, Commissioner – Hawaii**
  - **Executive Directors Report – Stephen Hogan, Executive Director – MIC3**
  - **Legal Counsel Report – Rick Masters, General Counsel**
- 9:45 a.m.            **Reports of Ex-Officio Members**
- **Department of Defense – Kathy Facon**
  - **Military Impacted School Association – Keith Mispagel**
  - **Military Child Education Coalition – David Splitek**
  - **National Military Family Association – Eileen Huck**
  - **National Network of Legislators in the Military**
- 10:30 a.m.           **Standing Committee Updates**
- **Finance Committee**  
– Bob Buehn, Commissioner – Florida
    - Audit
    - Current Budget Standing
    - FY15 Dues Standing
    - Action Item and Approval – FY16 Budget
  - **PR and Training Committee**  
– Rosemarie Kraeger, Commissioner – Rhode Island
- 11:00 – 12:00 p.m.   **Lunch – Bayou E**
- Sign up for Committees
- 12:00 p.m.           **Standing Committee Updates (continued)**
- **Compliance Committee**  
– Mark Oettinger, Commissioner – Vermont
- Presentation – Effective State Councils**  
*Mark Oettinger (VT), Bob Buehn (FL), and Melissa Luchau, Military Family Education Liaison – Virginia*
- **Rules Committee**  
– Mary Gable, Commissioner – Maryland
- 1:00 p.m.            **New Business**
- **Amendments to the Bylaws – Past chair**

- 1:30 p.m.                    **Breakout Sessions**  
(Open discussions about issues and concerns of the respective states)
- Breakout 1 - Shelley Joan Weiss – Wisconsin Commissioner – Bayou AB*  
(WI, NE, AL, AK, AR, CA, CO, CT, DE, NY)
- Breakout 2 - David Bockel – Georgia Commissioner – Canal C*  
(GA, AZ, IL, HI, IN, IA, KS, KY, LA, DoDEA)
- Breakout 3 - Paul Aguilar – New Mexico Commissioner – Canal D*  
(NM, TN, ME, MD, MA, MI, MN, MS, MO, MISA)
- Breakout 4 - Davina French – North Dakota Commissioner – Bayou C*  
(ND, WY, FL, MT, NV, NH, NJ, PA, RI, MCEC)
- Breakout 5 - Pete Lupiba – Ohio Commissioner – Bayou D*  
(OH, OK, SD, SC, TX, VT, VA, WA, WV, NMFA)
- 3:00 p.m.                    **Break**
- 3:15 p.m.                    **Breakout Session Reports/Group Discussions – Bayou AB**
- 4:00 p.m.                    **Election of New Officers**
- 4:30 p.m.                    **Recess – Complete sign-up for committee assignments**
- 4:30 p.m.                    **Executive Committee Meeting – Presidential Boardroom B**
- 5:30 – 7:00 p.m.            **Commission Reception (Casual Attire) – Delta Pavilion**
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**Saturday - November 15, 2014**

- 7:30 a.m.                    **Breakfast – Bayou E**
- 8:30 a.m.                    **Call to Order – Committee Assignments Announced – Bayou AB**
- 8:45 a.m.                    **Newly Formed Committee Meetings – Breakout rooms available**  
*(Canal C, Canal D, Bayou C, Bayou D)*
- 9:15 a.m.                    **Old Business, Meeting Summary and Next Steps**
  - 2015 MIC3 Annual Meeting – Location and Dates
  - 2016 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 CELEBRATES 50 Commission Meets in Nashville

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

The Interstate Commission on Educational Opportunity for Military Children hosted their Seventh Annual Commission Meeting on November 13-15, 2014 at the Gaylord Opryland Hotel in Nashville, Tennessee.

The Commission meeting, led by Commission Chair Kathleen Berg of Hawaii, was attended by 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 training session of the Annual meeting was held the afternoon of November 13th. The training was open to all who wanted a better understanding of the Interstate Compact, the Commission, state council composition, and how the Compact is applied. The session was attended by about 40 people. Attendees came away with good reviews and good information to take back. The training provided the attendees the opportunity to have more interaction and discussion. The opening portion of the training was given by Stephen Hogan, MIC3 Executive Director. 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 evening reception included a special guest, Tennessee Governor Bill Haslam. Governor Haslam welcomed the commissioners and attendee to Tennessee and thanked the Commission for the opportunity to host the MIC3 Annual Meeting. Governor Haslam took time to speak with members of the Commission and take photos with people in attendance.

The business portion of the meeting took place on November 14th and 15th. It began with a history recap given by outgoing Commission Chair Kathleen Berg. She recognized the states that started the Commission by adopting the Interstate Compact first. Of those first 11 states, three of those original 11 commissioners are still part of the Commission: Cheryl Serrano (CO), Laura Anastasio (CT) and Susan Haberstroh (DE). It concluded with a special congratulatory video message from Dr. Jill Biden on achieving all 50 states and the District of Columbia adopting the Interstate Compact.



From left to right: BG(R) Stephen Hogan, Deanna McLaughlin (TN), Governor Bill Haslam, Kathleen Berg (HI), Rick Masters

Each of the ex officio members of the Commission made presentations. The meeting continued with reports by each of the standing committees. The Commission approved the preliminary FY16 budget with adjustments to be made by the executive committee meeting in July. The morning ended with a review of the strategic communication plan by Rosemarie Kraeger, PR and Training Committee Chair and Rhode Island Commissioner.

*(Continued on Page 4 - Celebrating 50)*

### IN THIS ISSUE

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- deGolian Moves Onward
- Upcoming Events



## MESSAGE FROM THE EXECUTIVE DIRECTOR

*Stephen R. Hogan, MIC3 Executive Director*

It is once again my pleasure to send greetings from the National Office. The staff has been working diligently on those issues of interest and "action items" that were points of discussion at the Nashville Annual Business Meeting.

This is the first newsletter since the adoption of the compact in all fifty states and the District of Columbia. The "Fifty One", universal adoption status gives this body a great deal more credibility than any time in our history, and this is apparent to me as we go about our normal course of business. Adoption was made possible by several prominent actors, but I would be remiss if I did not personally send thanks to our DoD benefactors, who labored so hard and diligently in making universal membership a reality. It is a truly an inspiration to be associated with these fine men and women, and on behalf of the Commission, I wish to extend my gratitude.



It did not take me long in my tenure to understand that collaboration is not only the instrument of success which propels this Commission, but also its strength. Casey Stengel said that "Gettin' good players is easy. Gettin' 'em to play together is the hard part." In this, we are certainly blessed to have fifty one all-star Commissioners seated around the table, who balance assisting the needs of the transitioning military child within the designs, passions, and policies of the Local Education Agency. Addressing these transition issues with a collaborative spirit is a noteworthy accomplishment, and I am certain is appreciated by both constituencies. Thank you, one and all for this and for all that you do.

This spirit of collaboration is certainly not wasted on my friends and mentors that made up the Executive Committee in this past year. Outgoing Chair Kathleen Berg, who led this Commission during some exciting times, and under her direction and leadership this Commission progressively evolved in many areas. We welcome in her stead the new Commission Chair Kate Wren Gavlak, who inherits a unit of likeminded individuals in an organization progressing in maturity and impact. Under Kate's leadership, I am certain that the best is yet to come.

The National Office stands ready to address your questions, concerns, or request for guidance. It is our intention to be fully responsive to the needs of the Commissioners and State Councils, whatever they may be.

Thank you for allowing me to continue in my service.

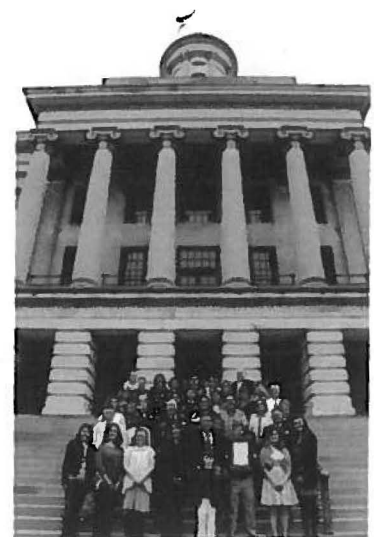
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## APRIL IS THE MONTH OF THE MILITARY CHILD

It is time again to "Purple Up! For Military Kids." April 2015 is the Month of the Military Child. During April, the Military Interstate Children's Compact Commission (MIC3) along with many other organizations, non-profits, and public entities will underscore the important role children play in our military communities. People are being encouraged to wear purple to show support for our military kids and to thank them for their strength and sacrifices. Our military children and families help sustain our fighting force, on whom we depend for the security and safety of our nation's families and communities. It is important to emphasize and recognize the role that military children play while their service member parents are serving the nation. The MIC3 is committed to resolving the educational transition issues that are faced by these children and their families.

Across the nation, during the week of April 14-18, most states and communities will be taking a day to "Purple Up! For Military Kids." It will also be celebrated with proclamations displays, events, sporting, events and school and community activities. We have already received notifications from Virginia to Michigan to Arizona. Please check for events in your area for the appropriate day to "Purple Up!" and celebrate this month.

An open letter from the commission chair has been posted to the MIC3 website. Many of the MIC3 Commissioners and the State Councils, like Wisconsin, have also chosen to observe the Month of the Military Child in various ways.



## MESSAGE FROM THE COMMISSION CHAIR

*Kate Wren Gavlak, MIC3 Chair, California Commissioner*

We have a lot to celebrate! With all 50 states and Washington, DC signing on to the Interstate Compact on Educational Opportunity for Military Children, we are ready, willing and able to support our military-dependent students across the country. We support our military by supporting their children.

It has been a long road with a lot of folks helping us reach this milestone. If you were at the annual meeting in Nashville, you heard our story from Kathleen Berg, Immediate Past Chair of MIC3. It is truly an honor to be a part of this group.

As we move forward, we can now begin to focus on getting the message out about our efforts and support for students. We plan to work with athletic associations, encouraging them to support the legislation and consider the impacts of transitions on students in sports. Sports can be a constant for students and help them as they move to a new school. We hope that all groups and organizations, including sports, will consider being inclusive in their practice by providing newly transitioning students opportunities to participate.

We are about doing the right thing for students and will continue to keep our focus on that goal. It is not about winning or losing, or about the adults in the room; but rather about supporting our students and families and helping education professionals understand that they have permission to do the right thing for the students.

I am looking forward to my new role as MIC3 Chair, working with not only all members of the Commission, but our military members and their families. Thank you for the trust you have placed in me.



## THE LEGAL BRIEF:

### Enactment of MIC3 in the Remaining Non-Member States – Why it Matters

*By Rick Masters, MIC3 General Counsel*

Since the first of the year I have been assisting the MIC3 national office with two member states which have enacted compact statutes with 'sunset clauses' contained in the text of the legislation. The term 'sunset clause' is generally defined as "a provision within a statute, regulation, or other law that provides that the law shall cease to have effect after a specific date, unless further legislative action is taken to extend the law."

In the context of MIC3 there were initially five (5) compact states which appear to have adopted such clauses two (2) of which are currently in effect. While such provisions can be a useful tool for evaluating the effectiveness of a given program or agency, an unintended consequence can result if those charged with administering the program subject to sunset are not vigilant to comply with the necessary steps required to conduct the required evaluation or review of the legislation subject to such a clause and to provide for re-enactment or re-authorization of the statute subject to the 'sunset' provision.

If your state still has an active sunset clause, the national office can assist with providing information concerning the implementation and operation of the compact which may be helpful in conducting any required evaluation or review of the MIC3 necessary to satisfy the requirements of such a legislative requirement. Along with MIC3 staff, I have assisted several of our member states in responding to the relevant provisions of such sunset clauses resulting in the successful satisfaction of these requirements. Please don't hesitate to contact Executive Director Hogan if further assistance is needed in this regard



## CELEBRATING 50 *(continued from page 1)*



The afternoon session started with a presentation in support of the strategic communications plan, on best practices for state councils given by Commissioners Mark Oettinger (VT), Bob Buehn (FL), and Virginia's Military Education Liaison Melissa Luchau (VA). The presentation looked at the differences between how states of different sizes operated their state council and how they approached issues.

Mary Gable, Maryland State Commissioner and Rules Committee Chair, gave an update on the Rules Committee initiative providing sample and real world case studies/scenarios for training purposes. The scenarios would be helpful for new commissioners and state council members. They could also be used to inform those who were not necessarily knowledgeable on application of the Compact. It was recommended that the final version of scenarios be managed as resources solely for the Commissioners, and not

published for public view. At the conclusion of her report, Commissioner Gable yielded to Commissioner Deanna McLaughlin (TN), who gave a presentation on the Tennessee management of assistance requests, and how they pertained or did not pertain to the Compact.

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 2014-2015 are Chair Kate Wren Gavlak (CA), Vice Chair Rosemarie Kraeger (RI), and Treasurer Bob Buehn (FL). Committee chairs for 2013-14 are Bob Buehn (FL) - Finance, Mary Gable (MD) - Rules, Mark Oettinger (VT) - Compliance, and Davina French (ND) - PR and Training.

A presentation was made to out-going Commission Chair Kathleen Berg. Commission Berg served as chair through the 2013 and 2014 Annual Meetings. She remains on the Commission as the commissioner from Hawaii and replaces Cheryl Serrano as the immediate past chair on the Executive Committee.

California Commissioner and incoming Commission Chair Kate Wren Gavlak purposed the amendment to the bylaws, detailing the addition of the Past Chair to the Executive Committee, which had been tabled the previous day. The motion was approved and accepted.

Business resumed with the assignment and meeting of all four standing committees. New committee chairs took charge of their committees and addressed upcoming issues.

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 2015 MIC3 Annual Commission Meeting. The MIC3 staff was charged with researching the locations suggested so decisions could be made as soon as possible.



**MIC3 CHANGES AROUND THE NATION**

***New Commissioners:***

**Arizona** – Due to the change in Governor, we are waiting on whether the new State Commissioner of Education will also be the Compact Commissioner. In the meantime, Maxine Daly will continue to be the Commissioner Designee and primary point of contact for Interstate Compact issues

**Idaho** – The National Office has received notification from Governor Butch Otter's office that Pete Koehler, Chief Deputy Superintendent of the Idaho State Department of Education, will be the new commissioner for Idaho.

**Maine** – Thomas A. Desjardin has been appointed as the Acting Commissioner of Education for the State of Maine. Randy Kassa and Sarah Forster will be handling Interstate Compact issues.

**New Hampshire** – The National Office has received notification from the Governor Maggie Hassan's office that Kathleen Murphy, Superintendent of the Hampton School District, will be the new commissioner for New Hampshire. You will find her bio on page 6.

**South Carolina** - We have received notification from the South Carolina Department of Education that Dr. Molly Spearman has been appointed as the new State Superintendent of Education. Under Section 59-46-30 of the South Carolina Code, the State Superintendent of Education serves as the commissioner. Dino Teppara will still be serving as the designate for the Commissioner. Dino has been promoted to Director of Public Information.

**Vermont** – The National Office has received notification from the Vermont State Board of Education that David Young, Superintendent of the South Burlington School District, will be the new commissioner for Vermont. He is replacing Mark Oettinger.

***Commissioner Vacancies:***

**District of Columbia** - The District of Columbia has had a change in Mayor has left a commissioner vacancy. National Staff is currently working with the new mayoral administration to identify a new commissioner. Interstate compact issues are meaning handled by Yuliana Del Arroyo in the Office of the State Superintendent of Education.

**Massachusetts** – Massachusetts has had a change in governor. The National Office is currently working with the Office of Boards and Commissions on this vacancy.

**New York** – The National Office is currently working with the Office of Boards and Commissions on establishing a commissioner and a state council.

**Oregon** – The National Office is currently working with the Office of Boards and Commissions on establishing a commissioner and a state council.

**Pennsylvania** – Pennsylvania has had a change in governor. The National Office is currently working with the Office of Boards and Commissions on filling the commissioner vacancy. Karl Streckewald is handling all issues regarding the Interstate Compact.

***Upcoming Conferences***

National School Board Association (Council of School Attorneys)	3/21-23 Rick Masters
National Association of Federally Impacted Schools	3/22-24 Kate Wren Gavlak and Rosemarie Kraeger
National Federation of High School Activity Associations	4/16-17 Stephen Hogan and Rick Masters
Military Impacted School Association	6/28-30 Kate Wren Gavlak and Rosemarie Kraeger
American School Counselors Association	6/29-7/1 John Matthews and Maxine Daly
Military Child Education Coalition	7/28 -30 Rick Masters

## MIC3 COMMISSIONERS: Getting to Know

### NEW HAMPSHIRE - Kathleen Murphy



Kathleen Murphy is the Superintendent of Schools for the Hampton School District SAU90. She began her work in Hampton in the spring of 2011 as the newly formed SAU 90 for the district was formally opening its doors to the community. She was appointed by Governor Maggie Hassan as the Commissioner for New Hampshire in February 2015.

Prior to the Hampton Superintendency, Kathleen held the position of Director of the Division of Instruction, one of three major organizational strands at the NH Department of Education. As Director, she provided leadership to a number of Bureaus and Offices in the Division: Bureau of Special Education, Bureau of Integrated Programs (entitlements) Bureau of Accountability, Assessment and Curriculum, Office of School Health and Office of Technology. Providing this oversight created opportunities for collaborative and strategic approaches to supporting schools and creating environments for change.

Over the past 40 years through a variety of experiences including classroom teaching, public school principalships, and central office positions including the superintendency in Newmarket, Kathleen has been afforded a broad view of public education. So much of the work in education is about relationships, teamwork, collaboration, and because of her experiences in rural and urban settings she has been able to bring stakeholders together to meet the needs of the Twenty First Century learners.

In addition to a strong experiential background, Kathleen has an undergraduate degree from Plymouth State College, a Master's Degree from Rivier College and an Advanced Graduate Degree from the University of New Hampshire. Kathleen has great expectations for the future of education and the roles that everyone has in ensuring that we create community of learners.



### MICHIGAN - Russ Gullett



Russ Gullett is the Commissioner from the State of Michigan, appointed by Governor Rick Snyder in September 2014. He is a retired army colonel with over thirty years experience in military and domestic operations. In his current position as the Senior Deputy Director for State Operations, Michigan Department of Military and Veterans Affairs, he reports to the Adjutant General and serves as his primary assistant and

advisor regarding state operations and other high level issues. He manages and directs the administration, coordination, planning, development, execution and supervision of all state staff programs, including purchasing and finance. He evaluates existing plans and programs in order to develop future long and short term goals and objectives and is a primary liaison with public officials, state, federal and military agencies, and with corporate partners. COL (ret) Gullett also serves as the department's Tribal Liaison and was appointed Commissioner of the Interstate Compact on Educational Opportunity for Military Children by Governor Snyder on September 22, 2014.

COL (ret) Gullett began his military career on November 23, 1969 when he joined Battery B, 1st Battalion, 119th Field Artillery as an enlisted member of the Michigan Army National Guard. He received his commission as a second lieutenant in the field artillery on June 24, 1972 and has held several operational and command assignments, to include; Battery Commander, Battalion Commander, Intelligence Operations Officer, Logistics Operations Officer, Brigade Personnel Officer, Assistant Inspector General, Commandant of the Michigan Military Academy, Regional Training Institute Regimental Executive Officer, Chief Mobilization & Force Readiness and his final assignment as Director of Plans, Operations, Training and Military Support in the Joint Force Headquarters of the Michigan Army National Guard. He retired from the military on July 31, 2004; joining state government as the Chief of Staff for the Governor's then Homeland Security Advisor.

COL (ret) Gullett is a graduate of the; Field Artillery Officer Basic Course, Field Artillery Officer Advanced Course, Air Force Joint Firepower Control Course, Ordnance Officer Advanced Course, Department of the Army Inspector General Course, Field Artillery Pre-Command Course, Command & General Staff College and the National Defense University Reserve Components National Security Course. He has a Bachelor's degree in Management of Human Resources from Spring Arbor University and is a graduate of the Center for Homeland Defense and Security, Naval Post Graduate School, Homeland Security Executive Leadership Program.

## DEGOLIAN MOVES ONWARD



The Military Interstate Children's Compact Commission said goodbye to a member of the Council of State Government team that helped to start the Commission, Crady deGolian. Crady has been with the National Center for over five years in multiple capacities and with CSG for nearly nine years. Most recently, he has been the director of the National Center for Interstate Compacts, at The Council of State Governments. In his role, Crady managed each of the National Center's compact projects from development to implementation. He worked extensively on The Interstate Compact on Educational Opportunity for Military Children and The Interstate Compact for Juveniles. He has also helped lead the development of several new compact efforts, including the Prescription Monitoring Program Compact, the State Authorization Reciprocity Agreement, the Electric Transmission Line Siting Compact, and several ongoing health care licensing compacts. In addition to managing all of CSG's compact activities, Crady has written extensively about interstate compacts, delivered national presentations on the topic, and provided oral testimony before Congress about interstate compacts. Previously, Crady worked on both the health and education policy staffs at CSG, first as a research associate and then as a policy analyst.

Crady, his wife Betsy and his son, Cooper, are moving to Louisville where Crady has taken a position with YUM, working on legislative affairs. Originally from Louisville, KY, Crady holds a BA in history and political science from Furman University in Greenville, SC and a MA in Diplomacy and International Relations from the University of Kentucky.

The Commission wishes Crady and his family well in his future endeavors and thanks him for his service in resolving the educational transition issues faced by military families.



## UPCOMING EVENTS

<b>April</b>	<b>Month of the Military Child</b>	
April 2	Virginia State Council Meeting	Richmond, VA
April 10	Florida State Council Meeting	Tallahassee, FL
April 17	Minnesota State Council Meeting	Roseville, MN
April 21	Wyoming State Council Meeting	Cheyenne, WY
April 28	California State Council Meeting	Sacramento, CA
May 1	Maine state Council Meeting	Portsmouth Naval Shipyard, ME
May 13	Ohio State Council	Columbus, OH
July 13-14	MIC3 EXCOM Meeting	Lexington, KY
July 10	Florida State Council Meeting	Tallahassee, FL
July 28	MIC3 PR and Training Committee Meeting	
October 21-23	2015 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.



## ITEM

### ITEM 1 – WELCOME AND CALL TO ORDER

1. Chair Kathleen Berg opened the meeting and with Kate Wren Gavlak gave the welcoming address.
2. The Chief of Staff of Navy Region Southwest, Captain Chris Plummer gave an opening statement welcoming the Commission to San Diego and congratulating them on the job that they are doing.
3. The meeting was called to order, and the roll was taken by Executive Director Stephen Hogan. Thirty-eight states were represented, which duly constituted a quorum.
4. Chair Berg introduced the new Executive Director to the Commission, BG Stephen Hogan.
5. Chair Berg gave an overview of the agenda. The minutes of the 2012 Annual Meeting were then approved by unanimous consent.

### ITEM 2 – PUBLIC COMMENT

6. Kelli May, the Regional School Liaison Officer (SLO) for Marine Corps Installation West, read a letter to the Commission, a copy of which is attached for ease of reference. The chair added that this matter is being looked at by the Executive Committee.

### ITEM 3 – EXECUTIVE COMMITTEE REPORT

7. Chair Berg talked about the following:
  - a. **Growing Pains.** Borrowing from an article she wrote for the recent MIC3 newsletter (article entitled "Growing Pains . . . and Opportunities" attached), the chair spoke about the change of executive directorship from BG(R) Norman Arflack to BG Stephen Hogan and how well the transition had gone so far. She spoke about military families' and the public's growing awareness of the Compact and of some recent requests made to the MIC3 national office.
  - b. **Opportunities.** MIC3 had been asked to endorse initiatives such as the Common Core State Standards as well as to endorse a university grant proposal and for the director to serve on their advisory board. The Military Child Education Coalition (MCEC) offered to contract with MIC3 for human resource services, and the Military Impacted Schools Association (MISA) offered training support, if their travel expenses to conduct training could be covered by MIC3. There was also a request from the Department of Defense (DoD) to support their initiative to have all states include a military identifier in their state education databases. These requests were all opportunities for self examination to determine the true purpose of the Compact and the Commission. (Attachments to these minutes include the MCEC letter and the MIC3 response to MCEC as well as the DoD white paper on military identifiers for state databases.)
8. Chair Berg elaborated that during their self examination, the Executive Committee, assisted by General Counsel Rick Masters, conducted a close review of the establishing document (the Compact) and the limits of the commission's legal scope of authority and responsibility. They established that, as a government entity, the Commission has a limited scope: to ensure execution of the rules that have been agreed to by all of the members. That is the purpose for which dues are collected from the member states.



MIC3 is not an advocacy group or policy making organization. MIC3 is to carry out what the members have already agreed to, and needs to remain the honest broker among states, schools, and military families, unaligned with other organizations and responsible to the member states and the long-term viability of the Compact. This will be expanded on by general counsel in his report.

9. The Executive Committee recently completed a housekeeping task by removing rule 2.103; this was never adopted by the states that were represented at the second annual meeting when it was proposed. There is no real effect of the change, other than to avoid confusion.

#### ITEM 4 – GENERAL COUNSEL

10. MIC3 General Counsel Rick Masters spoke on the issue raised by Kelli May during the public comment period and assured everyone that the Executive Committee was already aware of this. He would keep the commission updated as they attempted to resolve the issue.

11. Masters provided the members with some additional updates, which were included in the docket book and are attached to these minutes (a summary of the NCOSEA meeting and summary of the MCEC meeting he took part in representing MIC3).

12. Masters stated that he and Arflack travelled extensively during the year visiting numerous states, helping ease their transition as they became members of the Compact. They also maintained ongoing dialogue with the non-member states.

13. General Counsel Masters provided the members with a handout dealing frequently asked questions from a legal perspective; this is also attached to the minutes.

14. General Counsel Masters spoke about MIC3's status for tax purposes. He confirmed that MIC3 is not classified as a 501c3 non-profit organization, but, rather, MIC3 is a government entity. This has implications that were addressed earlier by the chair and were reiterated by general counsel.

#### ITEM 5 – EXECUTIVE DIRECTOR REPORT

15. Director Steve Hogan echoed comments made by the general counsel that the first priority was to obtain membership of the four remaining states and, secondly, to provide as much assistance to the member states as requested. Finally, he added that the dues collection was at 87% and thanked the members for their assistance in obtaining these funds.

#### ITEM 6 – COMMITTEE REPORTS

16. **Compliance.** Committee Chair Laura Anastasio stated that it had been a very quiet year with the Compliance Committee.

17. North Carolina asked for a template of a state council to assist in setting one up, especially in situations where a council may change all at once with a change in local government. General Counsel Masters stated that the minimum make-up of the state council is shown in Article VIII of the Compact language.

18. **Rules.** Committee Chair Mary Gable stated that the rules committee had not been required to meet during the year.

19. Ohio asked for clarification on ART status as it pertains to the Compact. General Counsel Masters stated that this would need to be a change in statute and could not be accomplished by a rule change. They may have to seek guidance from the local JAG or from DC.

20. **Public Relations and Training.** Committee Chair Rosemarie Kraeger thanked everyone on the committee for their help and participation during the year.

a. Chair Kraeger explained that since the development of the guide for parents and school administrators, over 20,000 had been distributed.

b. Chair Kraeger added that they had recently completed their first webinar and showed an excerpt. She then went on to explain and show the members how to navigate through the website to find the various training resources.

c. Chair Kraeger encouraged everyone to utilize the resources on the website.

21. Chair Kraeger stated that they had been working on producing a simple flow chart for use by parents as a guide to utilizing the Compact.

22. The members were asked to provide ideas regarding the commissioner training that is now conducted the day before the annual meeting begins.

23. Chair Berg added that the toolkit, initially produced in 2012, would be updated and made available.

24. **Finance.** Director Hogan gave the finance brief on behalf of Treasurer and Committee Chair Pam Deering. He stated that 80% of the budget was committed in 5 areas:

National Meeting, Indirect Costs, Salary and Benefits, Consultant Expense, Travel

25. Director Hogan noted that through good stewardship MIC3 has generated a surplus every year. The surplus at the end of FY14 is projected to be at \$750,000. The director added there would be a few increases due to healthcare costs and the short overlap of executive directors.

26. The FY13 audit is ongoing and roughly 65% completed; there are no anticipated issues.

27. The projected revenue for FY15 is \$670,255. This optimistically accounts for the non-member states. The only other increase projected for FY15 is from the audit company, which will now charge slightly more than it did previously when it treated MIC3 as a nonprofit.

28. A question was raised regarding the fund balance MIC3 needs and if the commission needed to look at how to manage the excess funds. Director Hogan mentioned that 80% of the funds were committed annually and that one of the initiatives they were looking at was increasing training efforts, which would require additional expenditures.

29. Deanna McLaughlin said she noticed the salary levels had not changed for the staff and asked why this was. Chair Berg explained that there had been increases in salaries approved in August by the Executive Committee and that these would be reflected in budgets going forward.

#### ITEM 7 – ACKNOWLEDGEMENT OF BG(R) NORMAN ARFLACK

30. Chair Berg gave a speech on the accomplishments of BG(R) Norman Arflack, the previous MIC3 executive director, and thanked him on behalf of the Commission. Kathy Facon read a letter from Deputy Assistant Secretary of Defense for Military Community and Family Policy expressing her most sincere thanks for everything that he had done during his tenure. There was also a small presentation from the state of Hawaii.

31. Director Hogan spoke about his association with General Arflack, followed by BG(R) Norman Arflack, who gave a heartfelt speech about his role as MIC3's first executive director and about the reason for his retirement.

#### **ITEM 8 – PRESENTATION ON THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)**

32. Rick Masters, Sarah Forster, and Rosemarie Kraeger gave a presentation on IDEA. The audio commentary of this presentation can be accessed via the website at [www.mic3.net](http://www.mic3.net)

#### **ITEM 9 – BREAKOUT BRIEFINGS**

33. The following points were taken from the breakout briefings:

##### **Breakout 1**

- LTC French applauded her group, which consisted of a variety of SLOs as well as commissioners.
- They initially discussed the placement and attendance topic. They felt it was about the working relationships and discussed how to use these to ensure that needs of the students were addressed.
- The group talked about the virtual training school, the global school. LTC French also mentioned that the group discussed how the Compact addresses non-compliance issues.

##### **Breakout 2**

- This group got through 15 scenarios.
- The group agreed that this is one of the best aspects of the annual meeting. The chance to discuss with colleagues the various aspects of the Compact was invaluable.
- For the most part the group's answers to the scenarios matched. Those that did not bred new conversation.
- Shelly Joan Weiss added that Nevada and Arizona were doing a lot of work regarding online schools and that this may be an area the Compact should monitor.

##### **Breakout 3**

- This group stressed the importance of understanding the Compact and that while everyone wanted to help that there was a requirement to stay within the boundaries.
- The group tried to convey the message that we are not trying to give military children an advantage but rather ensuring they are not disadvantaged.
- Immunization – They discovered that immunization is not even standardized within some states.
- Kindergarten – It was noted that in some cases class sizes were restricted, so even if the Compact did apply there may not be an option to use it.
- High School Sports – It was pointed out the Compact does not cover areas which are run by

- private associations but that there was normally an appeals process.
- It was discussed that it would be useful to have a high school sports representative on a state council.

#### Breakout 4

- The group started with eligibility and applicability and came to a lot of the same conclusions as previous groups and the scenario answers.
- Along the same lines as cheerleading, student government was discussed, and it was asked if a school would be required to hold a special election. They went back to what the Compact said, and it was clear that it provided the child was given an "opportunity."
- They discussed virtual schooling, virtual education, and its definition. They felt this area was very murky and that this was just the tip of the iceberg.
- When handling a possible violation, they looked at it from different perspectives. From the perspective of a parent they are looking for the chain of command, who do they go to first? Typically they didn't want to go to the national office, but in some cases this happened. When this did occur, they were then directed to the correct point of contact.

#### Breakout 5

- This group got through most of the questions, beginning by discussing immunization. One of the commissioners suggested that sometimes just calling may resolve the issue and that communication is essential.
- They talked about the cheerleading scenario and that the intent was to level the playing field. Mark Oettinger raised the issue of being a valedictorian. In Vermont the valedictorian of each of the 60 high schools can go to the state university for free. If you, therefore, have districts that require 1, 2, or 4 years of residence to qualify for a class rank or to be a valedictorian, this may be a potential volatile area.
- While discussing virtual schools/home schools they found this to be a third and fourth area in which the Compact does not literally apply, so what do we do in these cases?
- They talked a little about end-of-course testing and felt the Common Core State Standards may help out in a few years.
- They discussed having bigger and more inclusive state councils to assist the commissioner.

### ITEM 10 – ELECTION OF OFFICERS

34. The following officers were unanimously elected for 2014:

**Chair** – Brig Gen (Ret) Kathleen Berg

**Vice Chair** – Kate Wren Gavlak

**Treasurer** – Bob Buehn

### ITEM 11 – SAN DIEGO TEAM PRESENTATION

35. Kate Wren Gavlak introduced the team from San Diego who gave a short presentation on best practices from three of their school districts. The audio version can be heard via the website [www.mic3.net](http://www.mic3.net).

Chair Berg thanked the team for their presentation, emphasizing the hard work that is done by the School Liaison Officers.

#### ITEM 12 – NEW COMMITTEE REPORTS

36. Brief reports were given by the new committee chairs.

a. Finance – Treasurer and Committee Chair Bob Buehn stated that the procedures would stay the same and they would stay in touch with the national office electronically.

b. Rules – Committee Chair Mary Gable reiterated that they were a standing committee that was always available. They discussed some issues from the previous day but that it was incumbent upon the states to resolve a lot of these issues, although the ability to go to the national office for assistance is always available.

c. Compliance – Committee Chair Mark Oettinger applauded the presentation given by the team from San Diego, adding that he felt the key was collaboration, support, professional development and education, and a willingness to help at the national level. His committee spent time talking about how they would gather the facts regarding the specific case that was brought to the Commission. He finished off stating that his approach was a collaborative one, with high utilization of SLOs, clear dissemination of policy, and professional development in support of this.

d. Training and Public Relations – Committee Chair Rosemarie Kraege spoke about how they wanted to complete the remaining 3 webinars in the coming year. She asked if there was a way that the scenarios could be scrubbed and added to the website. The committee would also be discussing the "virtual" topic and how, as a MIC3 organization, this would be addressed. She also mentioned being on panels or giving presentations at national conferences. They would also look at National Guard issues. A final mention was the possibility of having an award that would spotlight successes rather than focusing on the negatives.

#### ITEM 13 – NEW BUSINESS

37. Chair Berg added that there would be a follow-up email that would contain an updated list of attendees from the annual meeting. Commissioners could use that list to contact people they met at the meeting. She mentioned the distribution at a previous meeting of some San Diego school district document that showed how the district had established the Compact as policy. She suggested making that document available to the state commissioners for possible use.

The chair urged that the evaluation feedback form, which would be sent to attendees in the days following the meeting, be completed and returned without delay.

#### ITEM 14 – 2014 ANNUAL MEETING

38. There were presentations for Tennessee (Nashville), Florida (Orlando), and Georgia (Atlanta) as possible locations for the 2014 annual meeting. The decision on the location of the meeting is to follow, but the date for the annual meeting was approved as 13-15 Nov 2014.


39. Having no further business, the meeting was adjourned.



Richard Pryor  
Operations Coordinator  
MIC3

Copy to: Website

DRAFT

	<b>Advisory Opinion Number 1-2014</b>	<b>Page Number:</b>  1
<p align="center"><b>MIC3 Advisory Opinion</b>  <b>Issued by:</b>  <b>Executive Director: BG(R) Stephen R. Hogan</b>  <b>General Counsel: Richard L Masters</b></p>		
<b>State Requesting Opinion: Ohio</b>	<b>Dated:</b> <b>August 29, 2014</b>	
<b>Description:</b>  <b>Whether the Interstate Compact on Educational Opportunity for Military Children is applicable to children of a military member who is not on active duty, as defined by Title 10 of the U.S. Code.</b>		

**Background:**

Pursuant to Article X, Section C. of the Interstate Compact on Educational Opportunity for Military Children (hereinafter ‘Compact’) the State of Ohio has submitted a request for an advisory opinion concerning clarification of an issue pertaining to the Compact.

**Issue:**

The Commissioner from Ohio would like further guidance from the Military Interstate Children’s Compact Commission concerning whether the provisions of the Compact must be applied to children of a member of the military who is not on active duty as defined by Title 10 of the U.S. Code.


**Applicable Compact Provisions or Rules:**

Article III, Section A. 1. of the Compact provides:

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

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

Article II, Section A. of the Compact states that:

	<b>Advisory Opinion Number 1-2014</b>	<b>Page Number:  2</b>
<p align="center"><b>MIC3 Advisory Opinion</b>  <b>Issued by:</b>  <b>Executive Director: BG(R) Stephen R. Hogan</b>  <b>General Counsel: Richard L. Masters</b></p>		
<b>State Requesting Opinion: Ohio</b>	<b>Dated: August 29, 2014</b>	
<b>Description:</b>  <b>Whether the Interstate Compact on Educational Opportunity for Military Children is applicable to children of a military member who is not on active duty, as defined by Title 10 of the U.S. Code.</b>		


“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.”

**Review and Analysis**

The Commissioner for Ohio seeks guidance from the Executive Committee of the Interstate Commission on Educational Opportunity for Military Children (‘MIC3’) concerning a request by the family of a military member who is admittedly not on active duty, but rather holds the position of Air Reserve Technician (“ART”) at Wright-Patterson Air Force Base in Dayton Ohio. This position is classified as ‘civilian’ employment in which the employee must hold dual status as a civil service employee and maintain status as a reservist in the Air Force Reserve unit where he is employed. Such assignments are not classified as “active duty” status governed by **Title 10** of the U.S. Code, but are instead classified as ‘state status’ members of the National Guard under **Title 32 U.S.C. §325 et seq.** Although acknowledging that the military member in question is not on active duty, the family insists that the Compact should be applied to them and that the failure to do so is unfair discrimination and that the Compact statute has been misinterpreted by both the Ohio Commissioner and the MIC3 national office.

Article II, Section A. of the Compact unequivocally defines 'active duty' as "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 under 10 U.S.C., Section 1209 and Section 1211." Moreover Article III, Section A.1. of the Compact, in equally unambiguous terms, provides that the provisions of the compact are applicable to "active duty members of the uniformed services as defined in this compact . . ."



	<b>Advisory Opinion Number 1-2014</b>	<b>Page Number:  3</b>
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Because the military member in question is not currently classified as having the status of an "active duty member of the uniformed service of the United States" the Compact clearly does not apply.

The intent of these compact provisions can clearly be determined from the plain meaning of the language used to limit the applicability of the compact to "active duty" members of the military, not civilian employees or 'state status' members of the National Guard. As the U.S. Supreme Court recently reaffirmed, "Applying 'settled principles of statutory construction,' we must first determine whether the statutory text is plain and unambiguous and . . . [i]f it is, we must apply the statute according to its terms." *Carcieri v. Salazar*, 555 U.S. ----, ----, 129 S.Ct. 1058, 1063-1064, 172 L.Ed.2d 791 (2009); See also *Connecticut Nat. Bank v. Germain*, 503 U.S. 249, 253-254 (1992).

**Conclusion**

In sum, by its explicit terms the provisions of the Compact are not applicable to children of a member of the military who is not on active duty as defined by **Title 10** of the U.S. Code. (See *Compact Art. II, Section A and Art. III, Section A. 1.*).

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

**-- Rules --**

*(Amended and Effective - November 16, 2012)*

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**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 are not designed to address every issue arising under the Compact, however, 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 2.102(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 (12<sup>th</sup>) 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 (12<sup>th</sup>) 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 (12<sup>th</sup>) 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 2.101 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:
- (b)
  - (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;
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
  - (g) 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.
  - (h) 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.
  - (i) 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.
  - (j) 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.
  - (k) 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. 2.102 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).

## **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

### **Rule 4.101 Waiver requirements**

*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.

### **Rule 4.102 Exit exams**

*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.

### **Rule 4.103 Transfers during Senior year**

*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**

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**

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**

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 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 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.

- (a) 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.
- (b) 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.
- (c) 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.

### **Rule 6.102 Eligibility for extracurricular participation**

*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

- (a) 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.

- (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) The arbitrator
  - a. The arbitrator 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.



# Active Duty Military (Sponsors and Children Ages 5-18)

As of July 31, 2014

Sources: Active Duty Master Personnel File, Active Duty Family File

State/Territory	Army		Navy		Marine Corps		Air Force		DoD Total		Coast Guard		Total	
	Sponsor	Children 5-18	Sponsors	Children 5-18	Sponsors	Children 5-18	Sponsors	Children 5-18	Sponsors	Children 5-18	Sponsors	Children 5-18	Sponsors	Children 5-18
Alabama	4,293	7,964	404	689	196	341	1,321	2,405	6,214	11,399	389	646	6,603	12,045
Alaska	2,674	5,237	43	80	17	31	2,090	3,924	4,824	9,272	570	1,025	5,394	10,297
Arizona	2,063	3,867	405	672	867	1,522	2,859	5,085	6,194	11,146	31	55	6,225	11,201
Arkansas	449	765	133	213	108	172	1,419	2,526	2,109	3,676	18	25	2,127	3,701
California	4,375	7,541	16,493	29,203	9,144	16,178	5,099	9,003	35,111	61,925	1,364	2,366	36,475	64,291
Colorado	8,253	15,442	457	819	156	276	3,306	6,214	12,172	22,751	40	75	12,212	22,826
Connecticut	206	344	1,268	2,359	46	83	65	98	1,585	2,884	232	423	1,817	3,307
Delaware	116	202	35	60	18	32	844	1,468	1,013	1,762	36	63	1,049	1,825
District of Columbia	175	298	104	179	49	75	171	286	499	838	27	38	526	876
Florida	5,415	9,498	7,698	13,725	1,271	2,266	7,484	13,166	21,868	38,655	1,571	2,679	23,439	41,334
Georgia	14,434	27,207	2,060	3,627	631	1,114	3,087	5,333	20,212	37,281	185	327	20,397	37,608
Hawaii	5,943	11,269	3,010	5,277	1,019	1,809	1,681	3,019	11,653	21,374	344	597	11,997	21,971
Idaho	213	385	103	215	46	84	893	1,627	1,255	2,311	13	28	1,268	2,339
Illinois	1,098	1,856	1,255	2,148	270	471	1,975	3,601	4,598	8,076	107	209	4,705	8,285
Indiana	915	1,666	258	439	167	286	247	406	1,587	2,797	48	85	1,635	2,882
Iowa	374	683	108	176	69	105	120	227	671	1,191	14	22	685	1,213
Kansas	5,846	11,130	141	242	102	157	917	1,678	7,006	13,207	44	70	7,050	13,277
Kentucky	5,427	10,466	163	277	105	182	192	325	5,887	11,250	74	124	5,961	11,374
Louisiana	2,788	5,301	401	699	274	483	1,675	3,007	5,138	9,490	384	693	5,522	10,183
Maine	181	316	226	436	36	59	74	135	517	946	209	386	726	1,332
Maryland	4,186	7,561	3,071	5,632	656	1,242	2,408	4,253	10,321	18,688	477	898	10,798	19,586
Massachusetts	419	683	171	309	120	198	343	637	1,053	1,827	429	722	1,482	2,549
Michigan	920	1,591	373	615	233	413	232	384	1,758	3,003	363	640	2,121	3,643
Minnesota	295	505	148	251	79	132	131	229	653	1,117	52	87	705	1,204

Mississippi	684	1,274	1,148	2,097	138	239	1,222	2,172	3,192	5,782	100	175	3,292	5,957
Missouri	3,041	5,820	312	526	310	563	1,271	2,280	4,934	9,189	48	81	4,982	9,270
Montana	135	246	53	104	25	39	751	1,323	964	1,712	5	7	969	1,719
Nebraska	276	481	247	457	74	146	1,653	3,079	2,250	4,163	11	18	2,261	4,181
Nevada	395	682	383	631	119	194	2,715	4,766	3,612	6,273	22	31	3,634	6,304
New Hampshire	114	190	80	137	25	50	70	127	289	504	60	107	349	611
New Jersey	735	1,257	354	579	167	273	1,261	2,251	2,517	4,360	374	652	2,891	5,012
New Mexico	527	982	123	219	68	109	2,631	4,714	3,349	6,024	10	14	3,359	6,038
New York	5,505	10,233	785	1,189	373	606	373	604	7,036	12,632	291	467	7,327	13,099
North Carolina	14,662	27,102	1,898	3,449	7,950	14,346	2,448	4,217	26,958	49,114	673	1,223	27,631	50,337
North Dakota	65	104	15	22	20	30	1,338	2,315	1,438	2,471	4	6	1,442	2,477
Ohio	1,241	2,085	510	841	283	476	2,123	3,994	4,157	7,396	183	323	4,340	7,719
Oklahoma	3,166	6,225	596	1,061	172	316	2,056	3,628	5,990	11,230	37	58	6,027	11,288
Oregon	358	628	172	272	101	168	118	187	749	1,255	280	479	1,029	1,734
Pennsylvania	1,392	2,484	600	1,030	310	557	421	717	2,723	4,788	114	194	2,837	4,982
Rhode Island	133	232	495	949	68	126	59	114	755	1,421	104	188	859	1,609
South Carolina	3,429	6,289	1,186	2,028	1,280	2,240	2,422	4,199	8,317	14,756	216	384	8,533	15,140
South Dakota	100	164	26	50	7	11	787	1,419	920	1,644	1	1	921	1,645
Tennessee	6,188	11,297	1,006	1,823	196	315	402	672	7,792	14,107	80	136	7,872	14,243
Texas	25,816	48,646	2,897	4,985	1,384	2,399	9,059	16,155	39,156	72,185	691	1,183	39,847	73,368
Utah	348	661	91	189	87	154	1,284	2,385	1,810	3,389	24	32	1,834	3,421
Vermont	53	91	17	36	17	24	29	48	116	199	6	11	122	210
Virginia	9,911	18,836	19,241	35,105	3,556	6,748	5,899	11,076	38,607	71,765	1,943	3,520	40,550	75,285
Washington	8,851	16,627	4,911	9,049	234	397	1,886	3,303	15,882	29,376	562	1,004	16,444	30,380
West Virginia	227	410	84	142	47	87	91	158	449	797	35	57	484	854
Wisconsin	476	846	295	539	95	176	126	207	992	1,768	99	186	1,091	1,954
Wyoming	72	126	23	41	7	11	670	1,191	772	1,369	2	3	774	1,372
American Samoa	8	13	2	3	0	0	0	0	10	16	0	0	10	16
Federated States of Guam	3	5	1	1	0	0	0	1	4	7	0	0	4	7
Guam	92	180	487	852	8	15	476	893	1,063	1,940	44	77	1,107	2,017
Marshall Islands	1	3	0	0	0	0	0	0	1	3	0	0	1	3
Northern Mariana	11	21	0	0	0	1	1	1	12	23	2	3	14	26

Puerto Rico	611	1,027	78	123	18	30	50	83	757	1,263	134	224	891	1,487
Palau	4	4	0	0	0	0	0	0	4	4	0	0	4	4
US Minor Outlying	1	1	0	0	0	0	0	0	1	1	0	0	1	1
Virgin Islands of the	14	21	2	3	0	0	2	3	18	27	3	6	21	33
Outside U.S.	8418	15898	4243	7428	2329	4503	7012	12733	22002	40562	44	81	22046	40643
Unknown	1,015	1,792	708	1,214	101	175	2,814	5,067	4,638	8,248	19	40	4,657	8,288
<b>TOTAL</b>	<b>169,136</b>	<b>314,760</b>	<b>81,597</b>	<b>145,516</b>	<b>35,248</b>	<b>63,235</b>	<b>92,153</b>	<b>165,118</b>	<b>378,134</b>	<b>688,629</b>	<b>13,242</b>	<b>23,254</b>	<b>391,376</b>	<b>711,883</b>

Prepared by the Defense Manpower Data Center on August 26, 2014.

DRS #79038

Interstate Compact on  
Educational Opportunity  
for Military Children

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# COMPACT RULES

*Revised 16 November 2012*

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# Introduction

Upon implementation of the Interstate Commission on Educational Opportunity for Military Children (also called MIC3, short for the Military Interstate Children's Compact Commission), which was created by enactment of the Compact statute, one of the first responsibilities of the Commission was the promulgation of administrative rules, subject to the provisions of the statute, under which the provisions of the Compact may be applied. A Rules Committee was formed and met to develop the proposed rules that were subsequently considered and approved by the Commission as required by law. Neither the Compact provisions nor the rules are designed to directly address every conceivable fact or situation arising under the Compact. As with any other legal standards, the exercise of reasonable discretion is required to determine the appropriate outcome required by the application of the Compact to specific education transition issues encountered by military families covered by the Compact.

It is also important to understand that the rules provide some flexibility within the legal parameters of the Compact statute to make reasonable amendments or clarifications as the need arises. The Commission also can provide advisory opinions to the member states concerning the application of the Compact and the rules, in appropriate cases, and does provide training opportunities for state commissioners as well as state education officials and military officials who work together to carry out the purposes and objectives of the Compact.



This desk reference is based upon the text of the rules adopted in November 2009 as amended. To date amendments have been made to Rule 2.102(d) governing the “Dues Formula,” which were approved by the Commission at the 2011 MIC3 Annual Meeting in Louisville, Kentucky, and to Rule 3.102(b) defining “Kindergarten enrollment,” approved at the 2012 MIC3 Annual Meeting in Charleston, South Carolina. Although this document contains the full text of the rules, the authorized legal repository for the official version of the Compact rules, including amendments, is the MIC3 website where they may be accessed under the legal resources section.

## Chapter 100 - 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

### *Sec 2.101-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:
- (b)
  - (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;
- (c) 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.
- (d) 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.
- (e) 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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 2.102 - 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).



## 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

### *Sec 4.101 - Waiver Requirements*

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.

### *Sec 4.102 - Exit Exams*

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.

### *Sec 4.103 - Transfers During Senior Year*

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 and Attendance

### *Sec 5.101 - Course Placement*

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*

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*

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*

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 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.

- (a) 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.
- (b) 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.
- (c) 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.

### *Sec 6.102 - Eligibility for Extracurricular Participation*

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*

- (a) 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.
- (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) The arbitrator
  - a. The arbitrator 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.

(e) 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.

(f) 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.

# About

The goal of the Compact is to replace the widely varying policies affecting transitioning military students. The Compact leverages consistency. It uses a comprehensive approach that provides a consistent policy in every school district and in every state that chooses to join.

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, for one year after leaving service, members or veterans who are medically discharged or retired are eligible for assistance under the Compact.

# Contact

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