STATE COUNCIL

AND

STATE COMMISSIONER

MIC3 Military Interstate Children's Compact Commission

ORIENTATION

AND

LEADERSHIP MANUAL

Version FY2012

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EXECUTIVE "TIP" SUMMARY

Your state is a member of the Interstate Compact on Educational Opportunity for Military Children. Developed in 2006 and adopted by 39 states as of June 2011, this interstate agreement provides solutions to problems that encumber the educational experience for the children of military families. It has been designed to create an environment where military children are afforded the same educational opportunity as their non-military peers. As a member of this new compact, your state has assumed several new responsibilities of which you, as a state policymaker, need to be aware, including the development of a state council, appointment of a compact commissioner and participation on the Interstate Commission, including the development of operational rules, regulations and financial assessments.

This Executive "Tip" Summary is designed to aide state officials to better understand the Interstate Compact on Educational Opportunity for Military Children and actions regarding its use and implementation.

• ***Tip #1:*** Become familiar with the Interstate Compact language adopted by your state.

• ***Tip #2****:* Consult with the head of your State Department of Education or Public Instruction, state council and/or state compact commissioner.

• ***Tip #3:*** Once your state council has been appointed and/or created, review the language of the Interstate Compact on Educational Opportunity for Military Children with your state commissioner and state council in preparation for their first Interstate Commission meeting and to become versed in the terms that direct compact activities.

• ***Tip #4:*** If your state has not yet established its state council, contact the governor's office, state compact commissioner and sponsor(s) of the compact legislation in your state for information on next steps. State councils should be established and have met prior to their first Interstate Commission meeting, if feasible.

• ***Tip #5:*** Determine from your state's compact language what state official(s) has the authority to appoint members to the state council.

• ***Tip #6:*** Determine how your state will handle state council authority issues and how the state council will function.

• ***Tip #7:*** Determine what will be the required or desired qualities and qualifications for membership on your State council and the number of council members.

• ***Tip #8:*** Determine how your state will appoint the state compact commissioner under the terms of the compact that the Legislature has enacted in statute.

• ***Tip #9:*** Determine who will represent your state at the Interstate Commission meetings if the state compact commissioner is unable to attend. The delegate should understand and appreciate the commissioner's responsibilities.

• ***Tip #10:*** Determine the role, responsibilities, administrative/agency location and duties of the military family education liaison.

• ***Tip #11:*** State council members should discuss and understand the authority vested in the Interstate Commission in preparation of their state attending their first Interstate Commission meeting.

• ***Tip #12:*** The state council should discuss and understand the composition of the Interstate Commission and who has the authority to vote on commission business prior to attending their first commission meeting.

• ***Tip #13:*** The state council may prepare for their first commission meeting by discussing specific and general responsibilities of the commission and its members. This should include having specific discussions on such things as member dues formulas, rule-making considerations, commission staff and training needs. They may also review and discuss the current by-laws and rules for the commission. The state compact commissioner or their delegate should come to their first commission meeting prepared to address these and other issues.

• ***Tip #14:*** The state council may discuss whether its commissioner should seek executive office on the commission and what qualities commission leaders should possess.

• ***Tip #15:*** The state council may discuss what, if any, committees its commissioner should serve on, as well as how the members of the state council may be able to support commission committee work. The council members should also discuss any additional committees they would recommend and how they will ensure input into committee functions.

• ***Tip #16:*** The state council may meet with the state compact commissioner, military family education liaison and other state government officials to discuss specific training and education needs that will ensure compliance and smooth operation of the Interstate Compact by education officials, administrators and staff.

• ***Tip #17:*** The state council may discuss whether the state will send members of the council to the commission meetings in addition to the commissioner. If the state council does send additional people, how the costs of additional attendees will be funded. MIC3 will cover the costs of the commissioner or delegate from your state. Additional costs for other attendees will be borne by the state.

• ***Tip #18:*** The state compact commissioner, in consultation with the state council, should begin to formulate ideas as to rules the state would like for the Interstate Commission to promulgate.

• ***Tip #19:*** The state council may discuss those expenditures members believe will be necessary to operate the Interstate Commission.

• ***Tip #20:*** State council members and state compact commissioners should familiarize themselves with their state's specific processes and procedures for requesting a budget appropriation. They should be familiar with where the funds come from for the dues for the Interstate Commission. The state council, in consultation with state leaders, could discuss possible configurations for a dues formula.

• ***Tip #21:*** The state council may discuss what it anticipates as the necessary additional staff positions for operation of the Interstate Compact at the national level.

• ***Tip #22:*** Read and become familiar with the specific articles and sections of the Interstate Compact that may pose legal implications and obligations. Consult your state's compact commissioner and, if necessary, legal counsel for assistance. (i.e. governor's office, education counsel; state department of education, general counsel; or the staff of the state attorney general)

PART I: THE BASICS

INTRODUCTION

Welcome to the Military Interstate Children's Compact Commission. It is a pleasure to have you as a member of the Interstate Commission. We trust that you will represent your State with great integrity and will serve the families and children of our service men and women.

As part of the Compact, the Interstate Commission on Educational Opportunities for Military Children was established (also referred to as the Military Interstate Children's Compact Commission or MIC3). The Department of Defense continues to work with the Commission, Council of State Governments, national organizations, and state leaders to bring the remaining states on board. Member states are beginning to form their state councils and inform school districts of the terms of the Interstate Compact. The Interstate Commission has met several times since 2008 and is working to implement and communicate the requirements of the Interstate Compact.

Your state is a member of the Interstate Compact on Educational Opportunity for Military Children. This interstate agreement provides solutions to problems that encumber the educational experience for the children of military families. As a member of this compact, your state has assumed several new responsibilities of which you, as a state administrator, need to be aware, including: development of a state council, appointment of a compact commissioner and participation on the Interstate Commission, including the development of operational rules, regulations and financial assessments and creation of the in-state military family education liaison position and the designation of a primary point of contact. As you progress through this guide and prepare for transitioning your state to the Interstate Compact, note that it is critical to create the state council at the earliest possible point. This body will have primary responsibility for coordinating transition activities along with the State compact commissioner and the military family education liaison. Collectively, members will oversee all aspects of the Interstate Compact in your state and keep relevant parties informed of activities and requirements and coordinate your state participation in your first Interstate Commission meeting.

Purpose

The purpose of this manual is to aide state policymakers and administrators, new state compact commissioners and members of the State council to better understand the Interstate Compact on Educational Opportunity for Military Children. This manual highlights the new responsibilities assumed by your State under this interstate agreement, while illustrating activities that may be utilized in preparation for a smooth and effective startup and administration of the Interstate Compact.

This manual is composed of the following:

- an overview of the Interstate Compact on Educational Opportunity for Military Children
- background and status of the Interstate Compact
- the state council structure
- the responsibilities of the state compact commissioner
- the role of the Military/Department of Defense (DoD) representative

- the military family education liaison
- Ex-officio members and their role
- the structure and role of the Interstate Commission
- the structure and responsibilities of the Interstate Commission Executive Committee
- the elected officers and their duties
- the committees of the Interstate Commission
- the commission budget, dues and dues formula
- the role of the national MIC3 staff
- the MIC3 website
- administrative policies
- the legal foundation of interstate compacts
- liability

BACKGROUND

- Developed by The Council of State Governments, with the assistance of The Department of Defense (DoD)
- Input and assistance from national associations, federal and state officials, state departments of education and school superintendents
- Adopted by 39 states (approximately 86 percent of military school-age children in the US) as of June 2011
- Initial meeting of the governing Commission was October 2008
- 3rd Annual Commission meeting was in November 2010 in San Antonio, Texas
- States are in the process of establishing internal councils
- Rules and Executive Committees have been meeting since 2009
- Compliance, Finance, and Training Committees began meeting in 2010

OVERVIEW

Tip #1: Become familiar with the Interstate Compact language adopted by your state.

Tip #2*:* Consult with the head of your State Department of Education or Public Instruction, state council and/or state compact commissioner.

The Council of State Governments (CSG), in cooperation with the US Department of Defense, drafted this Interstate Compact to address some of the educational challenges transitioning children of military families face. Since July 2006, CSG has worked with a variety of federal, state and local officials as well as national stakeholder organizations representing education groups and military families to create the new interstate agreement. While the Compact is not exhaustive in its coverage, it does address the key issues encountered by military families: eligibility, enrollment, placement and graduation. In addition, the compact provides for a detailed governance structure at both the state and national levels with built-in enforcement and compliance mechanisms.

Your Legislature enacted the Interstate Compact by placing it in your state's statutes. Depending on the state, it could be in one spot or in multiple the places in statute. The MIC3 national staff will be placing links on the MIC3 website, www.mic3.net, for each state that will allow you to find the Compact. If you are still having difficulty, please contact the MIC3 Headquarters for assistance.

Below is brief overview of what the Interstate Compact covers:

Applicability
The Interstate Compact applies to the children of:

- Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

The Interstate Compact does not apply to children of:

- Inactive members of the national guard and military reserves;
- Members of the uniformed services now retired not covered above;
- Veterans of the uniformed services not covered above; and
- Other US Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Enrollment

- Educational Records – the compact provides that schools must share records in a timely manner in order to expedite the proper enrollment and placement of students. If the sending school cannot provide the parent a copy of the official record, an unofficial copy will be provided that may be hand carried to the school in lieu of the official record. This unofficial record can then be used for preliminary placement while the school sends for the official record. Once requested, the sending school has 10 days to provide the official record to the receiving school.

- Immunizations – the compact provides for specific timelines, in this case 30 days from the date of enrollment, for students to obtain required immunizations in the receiving state.

- Age of Enrollment/Course Continuation – the compact requires that a student shall be allowed to continue their enrollment and attendance at grade level in the receiving state commensurate with their grade level from the sending state. For example, if a student is enrolled and attends First Grade at the age of 6 in State A and transfers to State B, the student would be allowed to continue in First Grade despite State B's entrance age of 7 years. Further, the compact allows for such continuity of enrollment when a student has completed Kindergarten and is ready for enrollment in First Grade. For example, if a student has completed Kindergarten in State A and transfers to State B, the student would be allowed to enter First Grade despite State B's entrance age of 6 or 7 years.

Eligibility

- Power of Attorney – special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

- Tuition – a local education agency shall be prohibited from charging local tuition to a 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.

- Non-custodial parents – a 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.

- Extracurricular activities – state and local education agencies shall facilitate the opportunity for military children's inclusion in extracurricular activities to the extent they are otherwise qualified.

Placement

- Course placement/Educational Program placement – when the student transfers before or during the school year, the receiving state school shall initially honor placement of the student 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 if the courses are offered. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

- Special education services – 1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 USC.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and 2) In compliance with the requirements of Section 504 of the Rehabilitation Act and with Title II of the Americans with Disabilities Act, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

- Placement flexibility – local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

- 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 local education agency superintendent to visit with his or her parent or legal guardian prior to leave or deployment of the parent or guardian.

Graduation

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

- Exit exams – states shall accept: 1) exit or end-of-course exams required for graduation from the sending state; 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 receiving state cannot in good faith accommodate the above alternatives, it shall use best efforts, while working with the sending state, to assure that the student receives a diploma from the sending local education agency, assuming the student meets all graduation requirements of the latter agency.

- Transfers during Senior year – Should a military student transferring in his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of the Interstate Compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

State Coordination

- State Council – each state with adoption of the Interstate Compact, is required to develop a state council to provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with the Interstate Compact. While each member state may determine the membership of its own state council, its membership must include at least: the state superintendent of education, superintendent of the school district with a high concentration of military children, representative from a military installation, one representative from the legislative, and executive branches of government, and other offices and stakeholder groups the State council deems appropriate. Each state is also required to appoint a state compact commissioner.

- Military Family Education Liaison – Governor, governor's representative, or other legislative designated person shall appoint or designate a military family education liaison to the State council of each member state to assist military families and the state in facilitating the implementation of this compact.

National Coordination

- Interstate Commission – the governing body of the Interstate Compact is currently composed of representatives from member states as well as various ex-officio members representing impacted stakeholder groups. The Interstate Commission, also known as the Military Interstate Children's Compact Commission, provides general oversight of the Interstate Compact, creates and enforces rules governing the compact's operation and promotes

training and compliance with the compact's requirements. Each state has one vote on compact matters. Voting privileges reside with the state compact commissioner or their formally approved delegate. The commission maintains an executive committee and four standing committees: Rules, Finance, Compliance and Training, Education and Public Relations. Rather than states operating under this Interstate Compact without any national coordination, the Interstate Compact and Commission provide the vehicle for solving interstate issues and disputes. The commission also provides for a national staff that handles the administrative, logistical, public affairs, legal, legislative, and training functions.

- Rulemaking – the Interstate Commission has drafted and enforces rules for the operation of the compact. While the interstate compact mechanism provides the skeletal structure of the agreement, the rules are the muscles or actuators of the contract. The Compact is basic in its scope and intent, therefore compelling the rules and rulemaking process to be dynamic in its ability to respond to changing issues without rewriting the Compact at every turn. However, a rule may be voided should a majority of member state legislatures revoke the rule (check and balance).

- Enforcement – the Interstate Commission has the ability to enforce the provisions of the compact and its rules on states and school districts. Without enforcement and compliance power, the compact becomes a toothless tiger – a set of good ideas under which no one feels compelled to abide. With enforcement capacity, the compact can force states and districts to comply for the good of military children. Of course, such action could only be undertaken by the commission itself, i.e. the state members.

Effective Date

- 10 or more states – the Interstate Compact became active with the adoption by 10 states in July 2008. Today, 39 states have adopted the Interstate Compact and incorporated it into their state statutes. The Interstate Commission in concert with the Department of Defense, is working diligently to get the Compact adopted in all 50 states and 5 US territories.

TRANSITION

As the compact is ratified and enacted by the states, the Interstate Compact on Educational Opportunity for Military Children process moves from the legislative arena to the administrative arena. This series of events in the states and at the national level is referred to as transition.

The next steps for a new step are important toward establishing a means of administering the Compact.

1. Appointment of the state compact commissioner

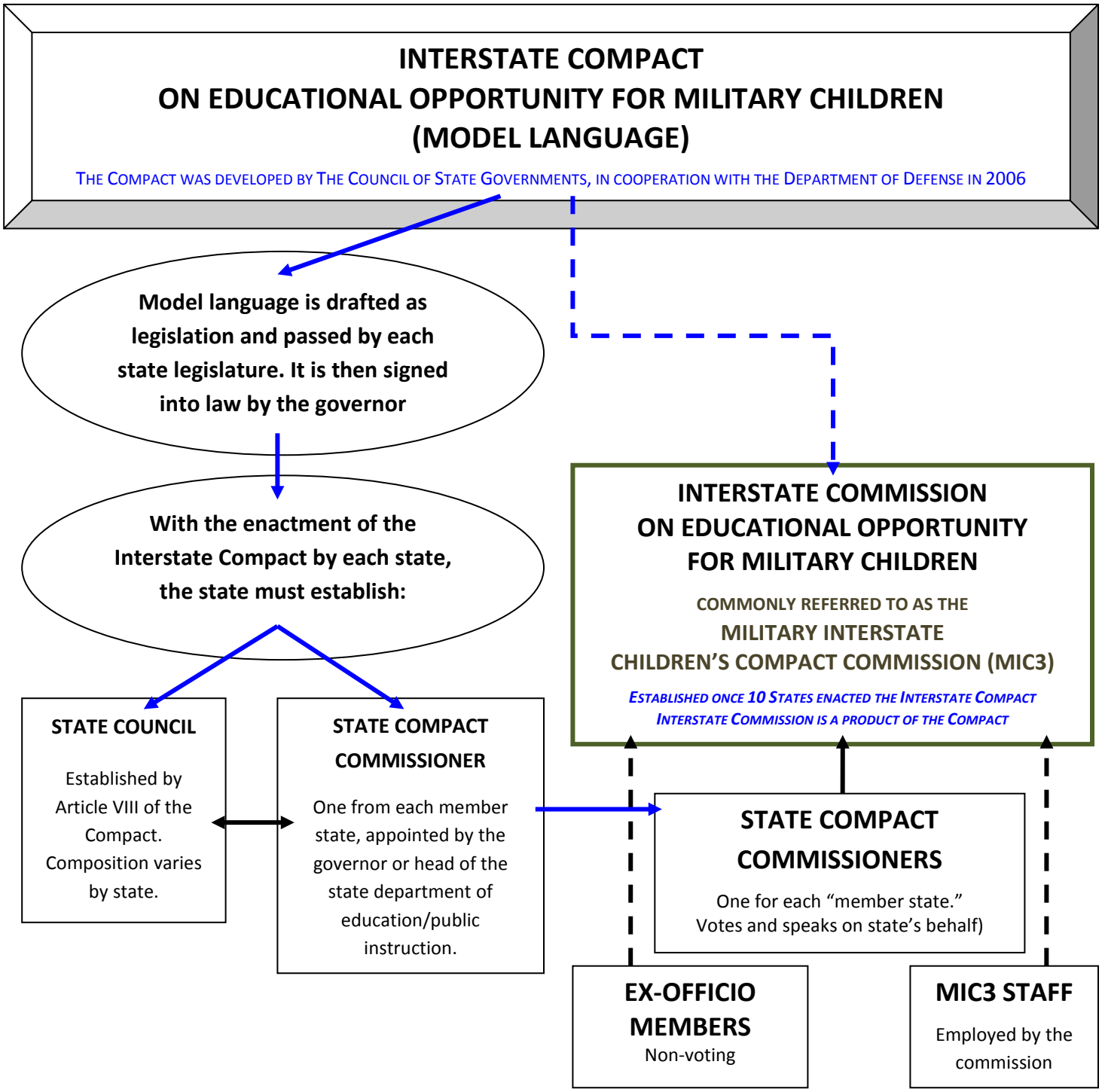
2. Appointment of the state council, as outlined in Article VIII – State Coordination

3. Having the first meeting of the state council

Tip #3: Once your state council has been appointed and/or created, review the language of the Interstate Compact on Educational Opportunity for Military Children with your state compact commissioner and state

council in preparation for their first Interstate Commission meeting and to become versed in the terms that direct compact activities.

The Interstate Commission adopted their by-laws in 2008 and their rules in 2009 which govern the activities of the Compact. The State compact commissioner and State council should review and become familiar with them in the event of proposed amendment at the next MIC3 Annual Meeting. These have been placed in the appendix of this manual.



PART II: THE STATE LEVEL

STATE COUNCILS

Tip #4: If your state has not yet established its state council, contact the governor's office, state compact commissioner and sponsor(s) of the compact legislation in your state for information on next steps. State councils should be established and have met prior to their first Interstate Commission meeting, if feasible.

Purpose

The compact specifically calls for the development of state councils in each member state. Designed to serve as an advisory and advocacy body of state policy makers and experts, each state council may be tasked with development of policy concerning operations and procedures of the compact within that state. Your states language may be different, particularly as related to members of the state council, appointment procedures, who makes appointments, etc. Please refer to the specific language of the compact as adopted in your state for clarification.

Appointments and Sovereignty

Tip #5: Determine from your state's compact language, who has the authority to appoint members to the state council.

Each state must determine who will appoint members to the state council. Regardless of who is responsible for the appointment of state council members, this process (if not already completed) should occur as soon as possible. Please refer to the specific language of the compact as adopted in your state for clarification.

Tip #6: Determine how your state will handle state council authority issues and how the state council will function.

Each state retains the right to determine the authority of its state council as developed and enacted by the language of that state. Some states may choose to limit the authority of the state council to simply act as an advocacy body for the compact, raising its visibility to decision makers. Other states may choose a more direct role for the state council, allowing for more day-to-day oversight of compact activities. Please refer to the specific language of the compact as adopted in your state for clarification. In addition, it is important to determine how the state council will function (e.g., who presides over the meetings, who will schedule meetings, who will record meeting activities, where will meetings be held and how often, how will activities/concerns of the state council and Interstate Commission be reported to key constituents).

Composition

Tip #7: Determine what will be the required or desired qualities and qualifications for membership on your state council and the number of council members.

The model language of the compact outlines the composition and appointment of state council members. However, beyond the prescribed members of the state council, your state language may be different, specifically outlining qualities and qualifications for council members. Your state may also decide to meld the state council

responsibilities with a pre-existing council or group. Please refer to the specific language of the compact as adopted in your state for clarification and discuss with key policy representatives.

Each state retains the right to determine the composition of its state council as developed and enacted by the language of that state. Some states may choose to have specific qualities (e.g., recognized leader of constituency group – director of education task force, parent teacher organization member) and qualifications (e.g., experience with military children issues) reflected in their state council members. Other states may choose to have a broader base of experience represented on the body. The compact is purposefully silent on the topic of state council member qualifications, except as otherwise stated, instead leaving this decision entirely to the member state.

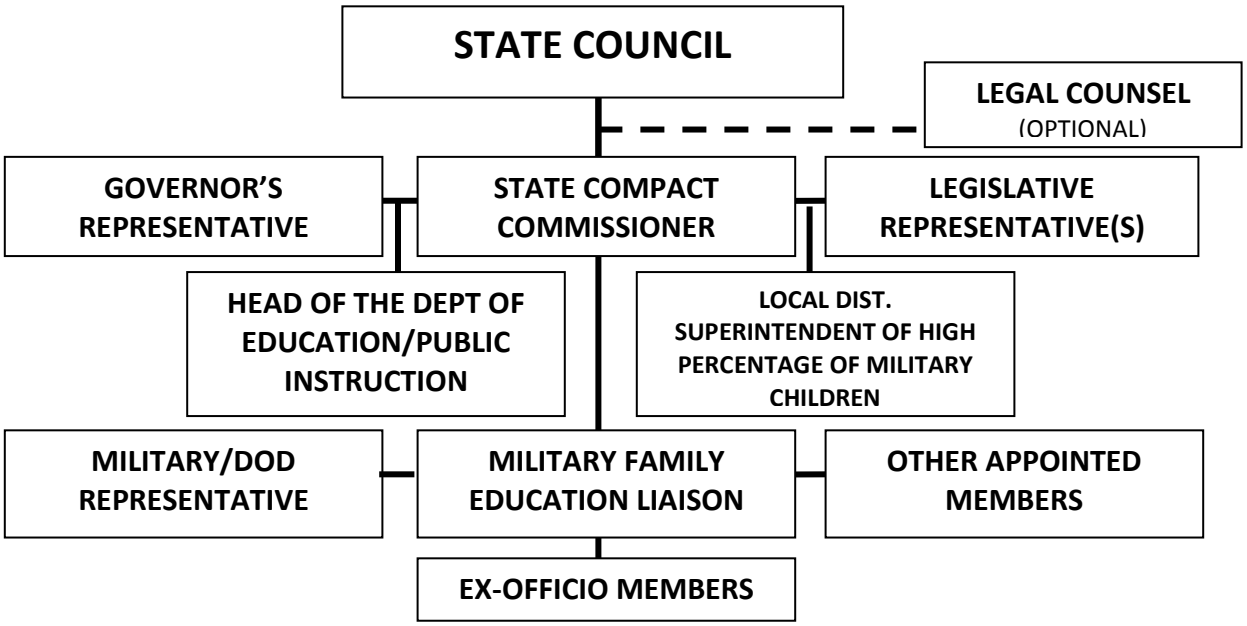
STATE COUNCIL APPOINTMENTS

- The appointment process is often cumbersome and lengthy.
- Take the initiative to recommend suitable candidates for appointment who are willing to serve, this may speed up the appointment process.

Factors to consider when recommending appointments include:

- Is the candidate willing to serve on the council?
- Does the candidate have a demonstrated interest in the compact process?
- Is the individual well known in the education and/or military communities?
- Is the candidate influential?

STATE STRUCTURE



STATE COMMISSIONER

Tip #8: Determine how your state will appoint the state compact commissioner under the terms of the compact that the legislature has enacted in statute.

Each state has a state compact commissioner who is responsible for implementation and administration of the Interstate Compact within their state. The model compact calls for this person to be appointed by the governor. However, some legislatures have chosen to alter who is appointed.

The national Interstate Commission is composed of one commissioner from each member state. These commissioners represent the states and, as a whole, make decisions for the commission on issues such as rules and regulations, dues, staff, etc. It is assumed that state council members will have the opportunity to provide consultation and direction to the commissioner prior to commission meetings.

The state compact commissioner is the primary point of contact for their state. They serve on the Military Interstate Children's Compact Commission (MIC3). The commissioner serves as the chair of the state council. They also serve as the voice for their state on issues to the commission on committee conference calls and the MIC3 Annual Meeting. It is their responsibility to keep all contact information up-to-date with the MIC3 headquarters office.

Other duties include, but are not limited to:

- Participate on commission committees
- Act as a liaison between national office, state compact office, and state council
- Ensure dues are paid within requirements set by commission
- Attend commission meetings
- Ensure appointment is in compliance with statute
- Ensure state council is functioning with appropriate appointed members
- Develop good working relationship with judiciary
- Promote purpose and mission of Interstate Compact
- Ensure state operations are in compliance with compact provisions and rules
- Respond to requests, communication and surveys from national office
- Request advisory opinions from MIC3 executive director within set guidelines (when necessary)
- Coordinate the implementation of compact rules
- Develop strong working relationships with district superintendents, school administrators and school counselors.
- Disseminate materials and educate school district/local educational agencies (LEAs) about the compact
- Record questions and cases handled by the commissioner and/or state council

- Handle all cases in a timely manner
- Develop a working relationship with all other State compact commissioners, area school liaison officers (if applicable), and MIC3 staff.

ADDITIONAL TIPS FOR COMMISSIONERS

- Learn the process of budget appropriations
  - State compact commissioners and compact staff should familiarize themselves with the specific processes and procedures within their state for requesting a budget appropriation
  - Plan for annual dues assessments
- Be proactive in training, education and outreach initiatives
  - Meet with compact staff to determine specific training and education needs
- Comply with data reporting requirements

  Meet with compact staff to determine what types of information should be collected and reported.
- Know the chain of communication within the compact
  - When accessing the MIC3 executive director:
    - Work must come through a commissioner
    - General questions may go directly to MIC3 executive director
  - When accessing legal counsel:
    - State compact commissioners, compact administrators, deputy compact administrators, and all others engaged in the business of the compact shall access the legal counsel through the MIC3 executive director
- Know your differences between the Interstate Compact and the version adopted by your state legislature.

STATE DUES AND BUDGETING PROCESS

Upon enactment of the Interstate Compact legislation, each state is statutorily required to pay annual dues as a member state in the commission rules. The state legislature will have the responsibility for the appropriation of adequate funding and dues payment. Historically, these funds have been allocated as a part of the budget of the governor's office, the state department of education, the department of military/veteran affairs, a combination of any or all of these agencies, or covered in a dedicated separate line item. Many legislative bodies require that

the funding for the dues be detailed in the fiscal note of the original bill. If you have difficulty determining the funding source, the MIC3 national staff can assist you locating the information.

As the state compact commissioner, it is important to know who will need to receive the invoice so it can be processed in a timely manner.

Funds collected through the dues process are used for the administration and promotion of the Interstate Compact on a national level. Appropriation of additional funding for in-state activities performed by the state council or state compact commissioner, are decisions that may be made individually by the member states. It is up to each member state and appointing authority to determine whether additional funds for reimbursement and/or the administration of the compact are necessary.

Tip #9: Determine who will represent your state at the Interstate Commission meetings if the state compact commissioner is unable to attend. The delegate should understand and appreciate the commissioner's responsibilities.

Please keep in mind that, as previously identified and outlined, the state retains the right to determine the qualifications of the state compact commissioner. In addition, should the state compact commissioner be unable to participate in Interstate Commission meetings, for whatever reason, an authorized representative may be designated for individual Interstate Commission meetings.

It is imperative that the state notify the MIC3 headquarters of the official appointment of the state compact commissioner as soon as possible. This notification, in the form of a letter accompanied by the Commissioner Appointment Form that was provided along with this manual, or the appointment form the state customarily uses for such appointments. Notification must be submitted to MIC3 headquarters no later than the date specified in the letter notifying member states of the Interstate Commission meeting.

Without this letter and appointment form, the state will not be allowed to participate in the meeting with full voting privileges. Proxies will ***not*** be permitted for this function.

MILITARY/ DoD REPRESENTATIVE

Each member state is required to have a Military/DoD representative on their state council. Unlike other positions on the state council, this person must be employed by Department of Defense and approved by the Deputy Assistant Secretary of Defense (Military Community and Family Policy).

If a state has already appointed a Military/DoD representative(s), the Defense State Liaison Office (DSLO) will work with the services to minimize disruption of the work by considering retention of the state-selected representative for completion of the appointment. If such an individual is subsequently designated by DoD as a Military/DoD Representative, he or she will solely participate in that capacity, subject to the restrictions described in the attachment. If for some reason DoD does not designate the individual selected by the State, DSLO will work directly with the State Commissioner and the Executive Director of the Interstate Commission for a satisfactory resolution.

The attached matrix in the appendix shows the process DoD is using for designating one or more military representatives to each State council, depending on the requirements stipulated in your Compact statute. Please use this proposed process when you are ready to have DoD appoint a representative to your State council.

MILITARY/ DoD REPRESENTATIVE RESPONSIBILITIES

DoD Liaison/Military Representatives to State councils shall:

a. Only represent DoD interests (not the interests of the State council), and consequently may not:

(1) Engage in management or control of the State council (therefore, may not vote or make decisions on daily administration of council);

(2) Endorse or even imply DoD endorsement of the State council, or its events, products, services, or enterprises; or

(3) Represent the state council to third parties, and are prohibited by criminal statutes from representing the Council back to the US Government.

b. Make clear to the State council that:

(1) The opinions expressed by the incumbent do not necessarily bind the DoD.

(2) If included on State council websites, all references to the incumbent by name or title must indicate that they are the "DoD Liaison Representative" as opposed to a council member.

c. Notify the chain of command of issues requiring policy decisions or actions requested of the military community within the State.

d. When called upon to act as the spokesperson for more than one installation:

(1) Obtain feedback from the designated points of contact at each military installation within his or her responsibility.

(2) Coordinate proposed input to the State council with the appropriate points of contact for each military installation within his or her responsibility.

(3) Act as a conduit for information between the State council and each military installation within his or her responsibility.

(4) Provide direct feedback to the appropriate points of contact for each military installation within his or her responsibility.

MILITARY FAMILY EDUCATION LIAISON

Tip #10: Determine the role, responsibilities, administrative/agency location and duties of the military family education liaison.

The compact not only requires the establishment of a state council within each member state, but also the development of a formal role to coordinate responsibilities on the subject of military student education transition – the military family education liaison. Designated as a role to "assist military families and the state in facilitating the implementation of this compact," the position is left to states to define, re: agency location/housing, scope of responsibilities, FTE status, etc. It is fully envisioned that states, depending on the size of their military child population and frequency of student movement, may pursue a variety of models as to the fulfillment of this compact requirement.

As your state considers the development of the state council and the designation and appointment of a state compact commissioner, your state should examine the role of the military family education liaison and define the scope of the position's responsibilities as well as what agency will oversee these duties and how it will be integrated into existing and/or similar positions and activities.

Please Note: The model compact language has this position appointed by the state council. Check the Interstate Compact in your state's statutes/code to ascertain how this role is established.

IMPORTANT: APPENDIX VII is a signed letter from the Department of Defense clarifying that DoD employees cannot serve in state military family education liaison (MFEL) positions. The letter also stresses that school liaisons should partner closely with the MFELs do conduct mutually beneficial education/training in both school systems and to military parents.

EX-OFFICIO MEMBERS

The compact specifically calls for Ex-Officio members and designates, at a minimum, who these representatives should be:

> "*Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the US Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members*.."

The following organizations were among those invited to send ex-officio members to the second meeting of the Interstate Commission:

- National Military Family Association
- Military Impacted Schools Association

- Military Child Education Coalition
- The Department of Defense

Ex-officio members of the commission have the following duties:

- Serve as principal liaison between the commission and the designating organization;
- Serve in an advisory capacity to the commission;
- Attend Interstate Commission meetings and committee meetings;
- Represent the commission at functions/events as requested by the chair;
- Participate in commission and committee meetings as requested by the chair.

Ex-officio members serve at the pleasure of their appointing organization and may be replaced by that organization under the rules and by-laws of said organization.

The Interstate Commission, through its by-laws, may add Ex-officio members representing other organization and associations, but must, at a minimum, preserve the Ex-officio members called for in the compact.

EX-OFFICIO ROLE

- Serve as principal liaison between the commission and the designating organization
- Serve in an advisory capacity to the commission
- Attend Interstate Commission meetings and committee meetings
- Represent the commission at functions/events as requested by the chair
- Participate in commission and committee meetings as requested by the chair

WORKING WITH PEOPLE AND ORGANIZATIONS

With each case you encounter, there may be numerous people and organizations you will work with to solve a problem related to the Interstate Compact within your state. Here are some of the people and organizations you will work with or may need to contact:

- Parents
- School superintendents, school administrators and counselors (sending and receiving states)
- Local educational agencies (LEAs)/school districts (sending and receiving states)
- State department of education (receiving state)

- State department of education (sending state)
- Department of Defense Educational Agency (DoDEA)
- Other MIC3 state commissioners
- MIC3 national staff

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

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

CASES REGARDING THE COMPACT

It is very important that you gather all the information when considering a case. Often when presented with a situation it is easy to consider it on face value. You need to ask as many questions from all parties to get a complete picture. Parents will often not think of or volunteer information they think is unimportant. That is where the key piece of information may be regarding to application or non-application of the compact. Here are some examples of the questions that you should ask:

What is your spouse's name, rank and branch of service? (If contact person is not in the military)

What are your child (children's) name(s)?

What grades are your child/children in?

Are there any special conditions or circumstances that we need to be aware of?

What is your phone number or numbers that are best to reach you at? (if not provided in an email)

What was your transfer date to the area you are living in now?

What is the name of the school involved?

Do you have a point of contact with that school?

Do you have any email correspondence with the school?

Where did you transfer from?

When did you receive your orders?

What was the name of the school(s) that your children were in at your last duty station?

What types of enrollment/ placement/graduation issues are you facing?

Did your child take exit exams in the previous state?

Do you have copies of those scores?

What is the name of the school liaison officer?

Does the "receiving state" school have her official transcripts?

Always remember that time is important. The longer it takes to resolve an issue, the greater the possibility of additional problems developing. Be thorough, but be timely on all issues.

Not every issue results in a positive outcome. There will be people who will be unhappy with a ruling on the application of the compact. Keep a record of who has contacted you and the issue. Some people will fish for the answer they want. Names may come up again.

Never jump to conclusions about the application of the compact. Some but not all member states have an attorney assigned who understands the state's statues and the Interstate Compact. The attorney can be part of the governor's office, the state department of education, or the office of the attorney general. If you do not have an attorney designated in your state, you can always contact the MIC3 national headquarters for interpretation or an official opinion on the meaning of the Compact.

Any state may submit an informal written request to the Executive Director for assistance in interpreting the rules of this Compact.

Please see Appendix V. MIC3 Case Process and Dispute Resolution Flowchart

PART III: THE NATIONAL LEVEL

INTERSTATE COMMISSION: MIC3

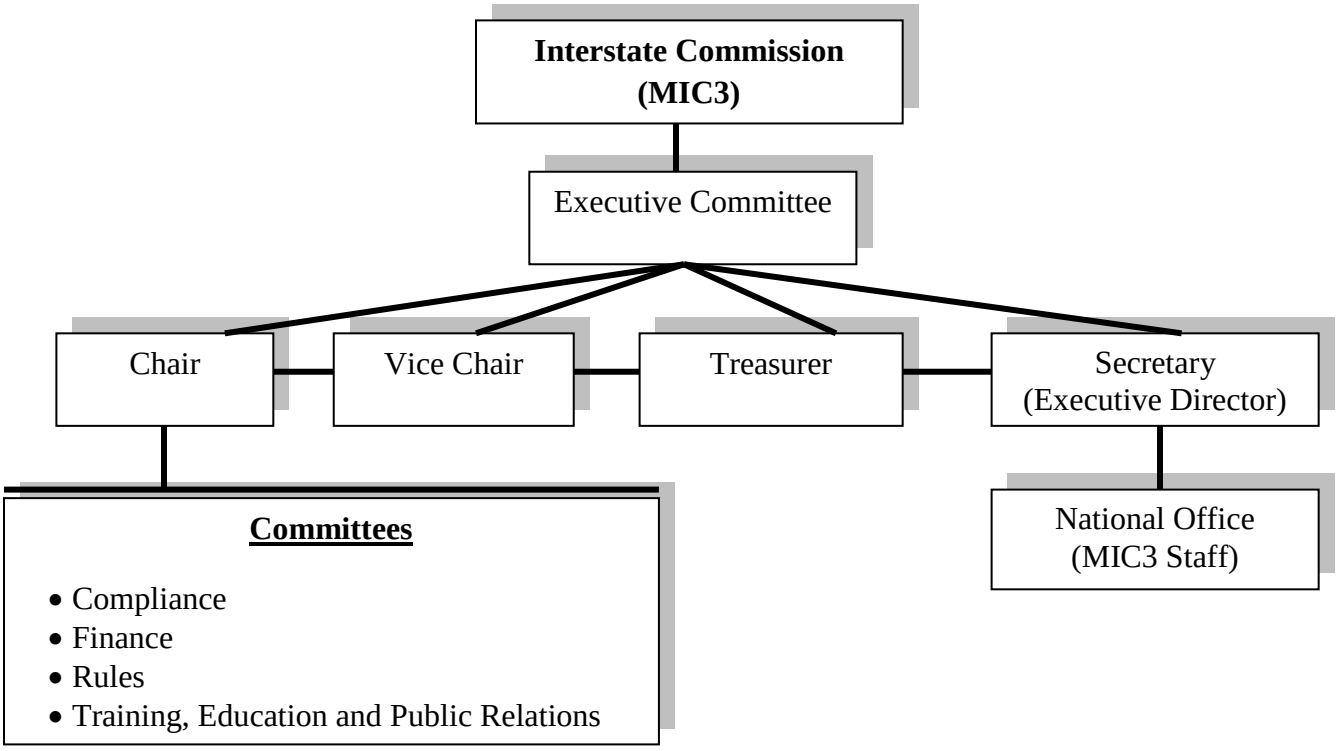
This information on the Interstate Commission is provided to assist state council members and state compact administration staff to prepare for and understand the purpose and intent behind the Interstate Commission. It is not the intent of this section or its analysis to dictate or circumvent the prerogative of the Interstate Commission, the state councils or the membership of each.

Purpose
The Interstate Compact specifically calls for the development of an Interstate Commission to establish uniform procedures to manage the implementation and operation of the compact in the member states. The Interstate Commission will promulgate rules to achieve the purpose of this compact. Further, the commission will monitor compliance with rules and initiate interventions to address and correct noncompliance; and coordinate training and education on compact-related matters.

Authority
Tip #11: State council members should discuss and understand the authority vested in the Interstate Commission in preparation of their state attending their first Interstate Commission meeting.

The Interstate Commission is a multi-state administrative agency composed of commissioners from its member states. The authority held by the Interstate Commission is granted by the member states and is carried out by those commissioners designated by the states.

NATIONAL STRUCTURE



NATIONAL COMMISSION DUTIES

Tip #12: The State council should discuss and understand the composition of the Interstate Commission and who has the authority to vote on Commission business prior to attending their first Commission meeting.

Tip #13: The state council may prepare for their first commission meeting by discussing specific and general responsibilities of the commission and its members. This should include having specific discussions on such things as member dues formulas, rule-making considerations, commission staff and training needs. They may also review and discuss the current by-laws and rules for the commission. The state compact commissioner or their delegate should come to their first commission meeting prepared to address these and other issues.

The Interstate Compact specifically calls for the development of an Interstate Commission to establish a uniform standard that eases the state-to-state transition of military personnel, their spouses and primarily their children as these children transfer from one state to another and from one school system to another as a direct result of the military parent's frequent reassignments. The Interstate Commission will promulgate rules to achieve the purpose of this compact; The commission will also establish a uniform system for collecting standardized data concerning the educational transition of the children of military families, create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency, and report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Further, the commission will monitor compliance with rules governing educational transition of the children of military families and initiate interventions to address and correct noncompliance; and coordinate training and education regarding such transitions.

The model Interstate Compact specifically states (where quoted) that:

"The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children."

The Interstate Commission shall "[b]e a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact."

The Interstate Commission shall "[c]onsist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner."

In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall "Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the US

Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military

members.". The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary.

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

The Interstate Commission shall "[m]eet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings."

The Interstate Commission shall "[g]ive public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact."

The Interstate Commission shall "[e]stablish an Executive Committee whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as shall be determined by the bylaws."

" The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session."

"The Executive Committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary."

ELECTED OFFICERS AND DUTIES

Tip #14: The state council may discuss whether its commissioner should seek executive office on the commission and what qualities commission leaders should possess.

During the Interstate Commission meeting, members will be tasked with electing commission officers from among the member states. These officers will serve as the designated leaders of the commission, officiating at commission meetings, overseeing the development and composition of committees, and maintaining close contact with the commission's staff once hired.

According to the compact language (Article XI, Section B), only three elected positions are required: Chair, Vice-Chair, and Treasurer.

> *"The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authorities and duties as may be specified in the by-laws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission."*

However, the commission may expand this to include a chairperson, vice chairperson, and secretary. The officers shall be duly appointed commission members, except that if the commission appoints an executive director, then the executive director shall serve as the secretary. Officers shall be elected annually by the commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Interstate Compact.

Officer Descriptions

- **Chair**
  The chairperson shall call and preside at all meetings of the commission and in conjunction with the executive committee shall prepare agendas for such meetings, shall make appointments to all committees of the commission, and, in accordance with the commission's directions, or subject to ratification by the commission, shall act on the commission's behalf during the interims between commission meetings.

- **Vice-Chair**
  The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the commission.

- **Treasurer**
  The treasurer, with the assistance of the commission's executive director, shall act as custodian of all commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Interstate Compact or adopted by the commission. Pursuant to the compact, the treasurer shall execute such bond as may be required by the commission covering the treasurer, the executive director and any other officers, commission members and commission personnel, as determined by the commission, who may be responsible for the receipt, disbursement, or management of commission funds.

EXECUTIVE COMMITTEE

Executive Committee – Responsible for guiding and overseeing the administration of all commission activities and for acting on behalf of the commission, as permitted by the compact, during the interim between commission meetings.

EXECUTIVE COMMITTEE RESPONSIBILITIES

MIC3 COMMITTEES

Tip #15: The state council may discuss what, if any, committees its Commissioner should serve on, as well as how the members of the State council may be able to support Commission committee work. The council members should also discuss any additional committees they would recommend and how they will ensure input into committee functions.

Article IX of the Interstate Compact on Educational Opportunity for Military Children provides in part that the Interstate Commission "shall establish an Executive Committee which "shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is

not in session" The Compact further empowers the Commission, under Article X, "to establish and appoint [other] committees.. . ."

Article VII of the proposed commission by-laws also refers to the appointment of both the executive and other committees and provides that "The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee, Rules Committee, Compliance Committee, and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

In accordance with these provisions, and in anticipation of the commission's needs and objectives, especially during the first year of the Commission's operation, the Commission will, during its first meeting, establish and appoint such committees as it deems necessary. The proposed committee structure outlined below is offered as a starting point for the Commission's consideration and will be presented during the Commission meeting.

COMMITTEE STRUCTURE

Tip #16: The state council may meet with the state compact commissioner, military family education liaison and state government officials to discuss specific training and education needs that will ensure compliance and smooth operation of the compact by education officials, administrators and staff.

Training, Education and Public Relations Committee – Responsible for developing educational resources and training materials for use in the member states to help ensure awareness of, and compliance with, the terms of the compact and the commission's rules.

Compliance Committee – Responsible for monitoring the compliance by member states with the terms of the compact and the commission's rules, and for developing appropriate enforcement procedures for the commission's consideration.

COMPLIANCE WITH THE INTERSTATE COMPACT

- Compliance Committee has the authority:
  - to monitor member states' compliance with the terms of the compact and the commission's rules.
  - to develop appropriate enforcement procedures for the commission's consideration including:
    - Initiating interventions to address and correct non-compliance

DISPUTE RESOLUTION

1. Informal Communication – States must first attempt to resolve disputes with each other by communicating through their respective commissioners

2. Formal Dispute Resolution – Following a documented unsuccessful attempt to resolve controversies or disputes, parties shall submit a written request to executive director for assistance.

   – The executive director/executive committee may seek the assistance of legal counsel during formal dispute resolution or authorize a standing committee to assist.

Please see Appendix III. Rules of the Commission, Chapter 7

Please see Appendix V. MIC3 Case Process and Dispute Resolution Flowchart

ADVISORY OPINIONS

- Any state may submit an informal written request to the executive director for assistance in interpreting the rules of this compact.

ENFORCEMENT ACTION AGAINST DEFAULTING STATES

- The commission has the authority to enforce the compact and its rules.
- Penalties which may be imposed on defaulting states:

  – Remedial training and technical assistance
  – Alternative dispute resolution
  – Fines, fees, and costs in such amounts as are deemed to be reasonable by the commission
  – Suspension and termination of membership in the compact

JUDICIAL ENFORCEMENT

- By majority vote of the commission, legal action may be initiated to enforce compliance against a compacting state

- In the event of judicial enforcement, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees

Rules Committee – Responsible for administering the commission's rulemaking procedures, and for developing proposed rules for the commission's consideration as appropriate.

Finance Committee – Responsible for monitoring the commission's budget and financial practices, including the collection and expenditure of commission revenues, and for developing recommendations for the commission's consideration as appropriate.

MIC3 ANNUAL MEETINGS

Tip #17: The state council may discuss whether the state will send members of the council to the commission meetings in addition to the commissioner. If the state council does send additional people, how the costs of

additional attendees will be funded. MIC3 will cover the costs of the Interstate Commission member from your state. Additional costs for other attendees will be borne by the state.

The Interstate Commission is required to hold at least one meeting during each 12-month cycle. The state council may choose to send additional people to consult with the commissioner on interstate issues that may arise and to be more actively involved in Interstate Commission.

Rules and Rulemaking

Tip #18: The state compact commissioner, in consultation with the state council, should begin to formulate ideas as to rules the state would like for the Interstate Commission to promulgate.

The compact creates a governing structure with the capacity and authority to effectively manage rulemaking and compliance by member states. Rulemaking authority is left to representatives of those states that choose to enact the compact. The compact creates a process for rules to be made by member states and enforced and, when necessary, empowers them to modify rules without returning to each state legislature.

MIC3 BUDGET AND REPORTS

Tip #19: The state council may discuss those expenditures members believe will be necessary to operate the Interstate Commission.

Fiscal year for the Interstate Commission is July 1- June 30. The executive committee approves the budget presented by the executive director. The treasurer presents the budget to the commission at the annual business meeting for the upcoming fiscal year.

The executive director shall submit financial reports to the treasurer and executive committee. The commission shall be audited each year. The Council of State Governments performs all accounting functions for the commission.

DUES

Tip #20: State council members and state compact commissioners should familiarize themselves with their state's specific processes and procedures for requesting a budget appropriation. They should be familiar with where the funds come from for the dues for the Interstate Commission. The state council, in consultation with state leaders, could discuss possible configurations for a dues formula.

Upon enactment of the Interstate Compact legislation, each state is statutorily required to pay annual dues as a member state in the commission rules. The state legislature will have to responsibility for appropriation of adequate funding and dues payment. Historically, these funds have been allocated as a part of the budget of the governor's office, the state department of education, the department of military/veteran affairs, a combination of any or all of these agencies, or covered in a dedicated separate line item. Many legislative bodies require that

the funding for the dues be detailed in the fiscal note of the original bill. If you have difficulty determining the funding source, the MIC3 national staff can assist you locating the information.

The executive director shall submit invoices to the states for dues prior to the beginning of each state's fiscal year. Each state will receive a reminder notice 30 days following beginning of signatories' fiscal cycle. If the dues have not been paid, the state will receive delinquent notice 90 days following beginning of signatories' fiscal cycle. If the dues have still not been paid, the state will receive delinquent notice 120 days following beginning of signatories' fiscal cycle and the issue is referred to the Compliance Committee.

Legal action can be initiated against a state for non-payment of dues, if recommended by the compliance committee and agreed to by the commission.

FORMULA

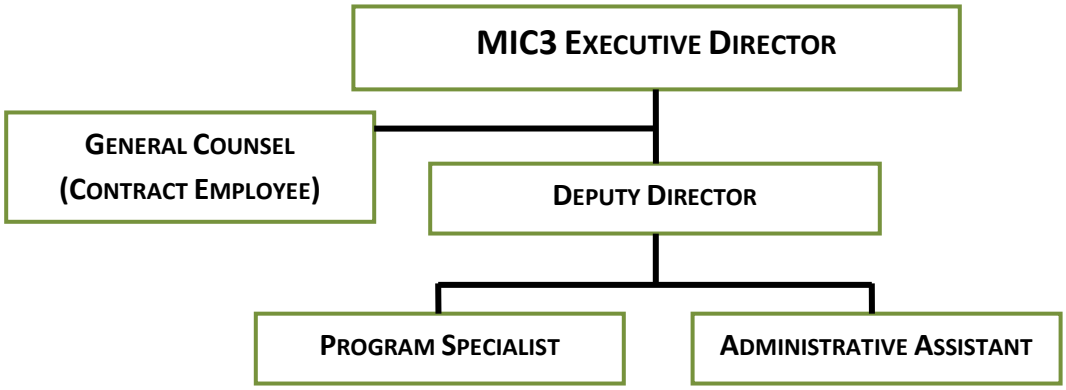
Current Dues Formula
MIC 3 Rule 2.102 (b):

"The dues formula shall be based on the figure of one dollar per child of military families eligible for transfer under this Compact."

This figure is calculated using Department of Defense figures. The figures from 2011 are used to calculate the dues for each state for Fiscal Year 2012.

NATIONAL OFFICE

Tip #21: The state council may discuss what it anticipates as the necessary staff positions for operation of the compact at the national level.



ROLE OF THE NATIONAL OFFICE

- Secretary/Clearinghouse to the Commission
  - Documents
  - Meeting Minutes
  - Commission Business
- Resource Center
  - Training Assistance
  - Publications
  - Website
  - Directory of States Compact Councils
  - Legal Assistance/Opinions

DUTIES

#1 Priority is to serve the Interstate Commission

- Assist commission and committees in carrying out respective missions/goals
- Logistical support
  - Teleconference/web conference
  - On-site meetings/trainings
  - Assist states with the establishment and maintenance of state councils
  - Provide training, reference manuals and on-site assistance
- Collect statistical information pertaining to education and children from military families subject to the compact
- Assist in the interpretation of the commission's rules and circulate to all member states
- Dispute resolution tracking
- Track information regarding rule infractions, useful for validating and fine tuning the rules, improving business processes and targeting training needs
- Assist in policy development

MIC3 WEBSITE

The Military Interstate Children's Compact Commission (MIC3) website was established in September 2010 as a primary communication and resource center about the Interstate Compact and the Interstate Commission. The website is designed to be updated frequently by the national staff in concert with the Council of State Governments. The site contain public information material about the compact, a contact directory of the state commissioners, an interactive map, frequently asked questions, and an area for public comments and request for assistance. In addition, the national staff has established links to Facebook, Twitter and YouTube to further expand the public exposure to the Compact.

The website is always being updated with new resources, training materials and news items. Each state has their own section of the website attached to the interactive map. Commissioners need to send changes to the national staff to update their state council and contact information.

The website can be located at: www.mic3.net

ADMINISTRATIVE POLICIES

- Accessing the Executive Director
- Accessing Legal Counsel
- Advisory Opinion Policy
- MIC 3 Travel Policy
- MIC 3 Ex Officio Travel Policy
- MIC 3 Alcohol Policy
- Communicating with Members of the Public
- Guidelines for Handling Closed Session Minutes

ADDITIONAL MIC 3 POLICIES TO BE DEVELOPED

- Responsibility Charting
- Compliance Guidelines
- Investigating Allegations of Non-Compliance
- Dues Enforcement
- MIC3 Financial Policy
- Training Policy for: Becoming a Certified Trainer

- Training Policy for: Training Certification Course
- Technical & Training Assistance Policy

LEGAL FOUNDATION

Tip #22: Read and become familiar with the specific articles and sections of the compact that pose or may pose legal implications and obligations. Consult your state's compact commissioner and, if necessary, legal counsel for assistance. (i.e. governor's office, Education Counsel; Department of Education, General Counsel; or State Attorney General's staff)

The following section is provided to assist in your discussions.

ENFORCEMENT AND COMPLIANCE

The compact language compels the Interstate Commission to enforce compliance with all compact provisions, and rules and regulations. The compact contains several enforcement tools to ensure compliance with compact provisions, rules and regulations developed by and for the states and Interstate Commission. These include:

- Remedial training and technical assistance as directed by the Interstate Commission;
- Alternative dispute resolution;
- Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; and
- Suspension or termination of membership in the compact.

The specific model compact language states:

> *"To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process."*
>
> *"The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent."*
>
> *"If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:*
>
> *"Provide written notice to the defaulting state and other member states, of the nature of the*

default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default."

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

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

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

"The state that has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination."

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

"The defaulting state may appeal the action of the Interstate Commission by petitioning the US District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees."

"The Interstate Commission may, by majority vote of the members, initiate legal action in the United State 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 bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees."

"The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession."

OVERSIGHT

A primary goal of the Interstate Commission is oversight of compact activities.

The model compact language specifically provides that:

> *"The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law."*
>
> *"All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission."*
>
> *"The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact or promulgated rules."*

DISPUTE RESOLUTION

To avoid lengthy and expensive judicial proceedings on conflicts among the member states, the compact provides for dispute resolution tools such as mediation and arbitration.

Specifically the model compact language authorizes these tools:

> *"To provide for dispute resolution among member states."*

And the model compact language outlines use of those tools:

> *"The Interstate Commission shall attempt, upon the request of a compacting state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states."*
>
> *"The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate."*
>
> *"The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact."*

Please see Appendix V. MIC3 Case Process and Dispute Resolution Flowchart

AMENDMENT PROCEDURES

The model compact language does authorize and provide for amendments to the language and outlines specific steps for amendment:

> *"The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states."*

WITHDRAWAL, DEFAULT, DISSOLUTION

Withdrawal
A state may withdraw from the compact upon enacting a state statute that authorizes such action. The compact recognizes this possibility and provides specific steps and requirements for such an action:

> *"Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law."*
>
> *"The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof."*
>
> *"The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extends beyond the effective date of withdrawal."*
>
> *"Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission."*

Default
A state is in default of the compact and its provision should a state not adhere to the language of the compact or the subsequent rules and regulations developed and adopted by the Interstate Commission.

> *If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:*
>
> *1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.*

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

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

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

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

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

7. The defaulting state may appeal the action of the Interstate Commission by petitioning the US District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

Dissolution
The compact dissolves at such time as only one state is a member. The model compact language provides:

"The compact shall dissolve effective upon the date of the withdrawal or default of the member state, which reduces the membership in the compact to one (1) member state."

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

BINDING EFFECT OF COMPACT AND OTHER LAWS

The model compact language provides:

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

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

"All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting states."

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

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

USES OF INTERSTATE COMPACTS

There is a long history of compacts that pre-dates the Constitution. Flexibility of compacts evident in variety of forms and uses:

Scope:	bi-state, regional, national
Creation:	negotiated
Purpose:	fixed agreements, advisory boards, regulatory entities
Issues:	transportation, environment, taxation, education, health, emergency management, corrections and public safety

Well known compacts:

NY-NJ Port Auth. Compact of 1921
Colorado River Compact (1929)
Interstate Compact on the Placement of Children (1960)
Washington Metropolitan Transit Authority Compact (1966)

Compacts are increasingly common, broader in scope, and more frequently used for regulatory purposes.

Compacts also have basis in law:

Agreements between states authorized under Article I, Section 10, Clause 3 of the US Constitution – the "Compact Clause"

"No State shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State . . . "

The US Supreme Court has consistently held that Congressional consent is only required for compacts that tend to increase the political power of the states in a manner that encroaches upon or interferes with the just supremacy of the United States.
[US Steel Corp. v. Multi-state Tax Commission, 434 US 452 (1978)]

Approximately 200 compacts formed since the founding of the United States. About 38 of these compacts are inactive. On average, each state is a member of 23 compacts.

The creation of the Port Authority of New York and New Jersey in 1921 signaled a new era in regulatory compacts.

PRIMARY PURPOSES

- Resolve boundary disputes;
- Institutionalize and manage interstate issues pertaining to allocation of natural resources;
- Create on-going administrative agencies that have jurisdiction over a wide variety of concerns:

  - State transportation
  - Taxation
  - Environmental matters
  - Regulation
  - Education
  - Corrections
  - Public safety

A state legislature's ability to delegate regulatory authority to an administrative agency is "*one of the axioms of modern government*"

-- Justice Felix Frankfurter

"Extends to the creation of interstate commissions by compact."

West Virginia ex rel. Dyer v. Sims,
341 US 22 (1951)

RULEMAKING POWER

- Commission rules must be adopted in a manner that is substantially similar to the process of the Model State Administrative Procedures Act.
- Once adopted, the rules have the force and effect of statutory law and supersede any inconsistent state laws.
- Majority of state legislatures can reject a proposed rule.

ENFORCEMENT POWER

- Commission has authority to enforce the compact and its rules upon the states by:

  - Requiring remedial training
  - Requiring mediation/arbitration of dispute
  - Imposing monetary fines on a state
  - Seeking relief in federal court, most likely by obtaining an injunction to curtail state action or compel compliance

COMPACT STATUTE

- **Each State has passed similar legislation becoming Signatories to the Interstate Compact.**
- **Each Commissioner should become very familiar with the language of their State Statute.**

LIABILITY

Generally, there are two categories of public acts:

- **Discretionary**: acts in which the public employee has the freedom to exercise good judgment and care in carrying out an act. These acts are not mandatory in the sense of imposing an affirmative duty.
- **Ministerial**: acts that a public employee is required by law to fulfill. Most often these acts are defined by "shall"; they impose a mandatory duty without regard to discretion.

The Interstate Commission does not confer a private right of action by a student or parent.

- Without explicit language in the compact an intent to confer an individual right of action is not presumed. *Doe v. Pa. Bd. Of Prob. & Parole, 513 F.3d 95 (2008).*
- Article XI, Section D (1) of the Interstate Compact limits the liability of MIC3 State Commissioners, agents, and employees to that of other state officials, employees, and agents.

CONTACT INFO

Brigadier General (Ret.) Norman E. Arflack
Executive Director
Military Interstate Children's Compact Commission
2760 Research Park Drive
Post Office Box 11910
Lexington, KY 40578-1910
Phone: (859) 244-8000
Fax: (859) 244-8001
mic3info@csg.org

APPENDIX I. GLOSSARY

"Active duty": 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.

"Children of military families": a school-aged child(ren), enrolled in Kindergarten through Twelfth (12th) grade, in the household of an active duty member.

"Compact Commissioner": the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

"Deployment": the period one (1) month prior to the service members' departure from their home station on military orders though six (6) months after return to their home station.

"Department of Defense (DoD)": is America's oldest and largest government agency. DoD provides the military forces needed to deter war and to protect the security of United States. DoD is not only in charge of the military, but it also employs a civilian force of thousands. With over 1.4 million men and women on active duty, and 718,000 civilian personnel, DoD is the nation's largest employer. Another 1.1 million serve in the National Guard and Reserve forces. More than 2 million military retirees and their family members receive benefits.

"Department of Defense Education Activity (DoDEA): is a civilian agency of the U.S. Department of Defense. DoDEA's schools are divided into three areas, each of which is managed by an area director. Within each of these three areas, schools are organized into districts headed by superintendents. DoDEA's schools serve the children of military service members and Department of Defense civilian employees throughout the world. DoDEA operates 192 public schools in 14 districts located in 12 foreign countries, seven states, Guam, and Puerto Rico. All schools within DoDEA are fully accredited by U.S. accreditation agencies. Approximately 12,000 employees serve DoDEA's 84,000 students.

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

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

"Interstate Commission on Educational Opportunity for Military Children": the Interstate Commission that is created under Article IX of this compact, which is generally referred to as

Interstate Commission. Public title is the ***Military Interstate Children's Compact Commission (MIC3)***.

"Local Education Agency (LEA)": 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.

"Member State" means: a state that has enacted this compact.

"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.

"Military Interstate Children's Compact Commission (MIC3)" – is the public persona of the Interstate Commission on Educational Opportunities for Military Children. This moniker was developed by the initial members of the Interstate Commission in develop usable and recognizable abbreviation.

"Non-member state": a state that has not enacted this compact.

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

"Rule": 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.

"School Liaison Officer (SLO)"- is an advocate for the educational needs of military children. The School Liaison Officer or SLO is a point of contact for military family members seeking assistance with school related matters. They network and partner with the public school system, private schools and home schools to assist military school age children in obtaining educational opportunities.

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

"State": 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.

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

“Transition”: 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.

“Uniformed service(s)”: 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.

“Veteran”: a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

APPENDIX II. BY-LAWS OF THE COMMISSION

(*AS ADOPTED, OCT. 2008)*

Article I
Commission Purpose, Function and By-laws

Section 1. Purpose.
Pursuant to the terms of the Interstate Compact on Educational Opportunity for Military Children , (the "Compact"), the Interstate Commission on Educational Opportunity for Military Children (the "Commission") is established to fulfill the objectives of the Compact, through a means of joint cooperative action among the Compacting States: to promote, develop and facilitate a uniform standard that eases the state-to-state transition of military personnel, their spouses and primarily their children as these children transfer from one state to another and from one school system to another as a direct result of the military parent's frequent reassignments.

Section 2. Functions.
In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Compacting States. The Commission's activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; equitable distribution of the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and Bylaws; provision of dispute resolution; Coordination of training and education; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact.

Section 3. By-laws.
As required by the Compact, these By-laws shall govern the management and operations of the Commission. As adopted and subsequently amended, these By-laws shall remain at all times subject to, and limited by, the terms of the Compact.

Article II
Membership

The Commission Membership shall be comprised as provided by the Compact. Each Compacting State shall have and be limited to one Member. A Member shall be the Commissioner of the Compacting State. Each Compacting State shall forward the name of its Commissioner to the Commission chairperson. The Commission chairperson shall promptly advise the Governor and State Council on Educational Opportunity for Military Children of the Compacting State of the need to appoint a new Commissioner upon the

expiration of a designated term or the occurrence of mid-term vacancies.

Article III
Officers

Section 1. Election and Succession.
The officers of the Commission shall include a chairperson, vice chairperson, secretary and treasurer. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

Section 2. Duties.
The officers shall perform all duties of their respective offices as provided by the Compact and these By-laws. Such duties shall include, but are not limited to, the following:

a. *Chairperson.* The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.

b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting until a new chairperson is elected by the Commission.

c. *Secretary.* The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.

d. *Treasurer*. The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

Section 3. Costs and Expense Reimbursement.
Subject to the availability of budgeted funds, the officers shall be reimbursed for any

actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

Article IV
Commission Personnel

Section 1. Commission Staff and Offices.
The Commission may by a majority of its Members, or through its executive committee appoint or retain an executive director, who shall serve at its pleasure and who shall act as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission. The executive director shall establish and manage the Commission's office or offices, which shall be located in one or more of the Compacting States as determined by the Commission.

Section 2. Duties of the Executive Director.
As the Commission's principal administrator, the executive director shall also perform such other duties as may be delegated by the Commission or required by the Compact and these By-laws, including, but not limited to, the following:

a. Recommend general policies and program initiatives for the Commission's consideration;

b. Recommend for the Commission's consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;

c. Implement and monitor administration of all policies, programs, and initiatives adopted by the Commission;

d. Prepare draft annual budgets for the Commission's consideration;

e. Monitor all Commission expenditures for compliance with approved budgets, and maintain accurate records of the Commission's financial account(s);

f. Assist Commission Members as directed in securing required assessments from the Compacting States;

g. Execute contracts on behalf of the Commission as directed;

h. Receive service of process on behalf of the Commission;

i. Prepare and disseminate all required reports and notices directed by the Commission; and

j. Otherwise assist the Commission's officers in the performance of their duties under Article III herein.

Article V
Qualified Immunity, Defense, and Indemnification

Section 1. Immunity.
The Commission, its Members, officers, executive director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

Section 2. Defense
Subject to the provisions of the Compact and rules promulgated thereunder, the Commission shall defend the Commissioner of a Compacting State, his or her representatives or -employees, or the Commission, and its representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Section 3. Indemnification.
The Commission shall indemnify and hold the Commissioner of a Compacting State, his or her representatives or employees, or the Commission, and its representatives or employees harmless in the amount of any settlement or judgment obtained against such person arising out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Article VI
Meetings of the Commission

Section 1. Meetings and Notice.
The Commission shall meet at least once each calendar year at a time and place to be

determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be provided in a manner consistent with the federal Government in Sunshine Act, 5 U.S.C. § *552b,* including, but not limited to, the following: publication of notice of the meeting at least ten (10) days prior to the meeting in a nationally distributed newspaper or an official newsletter regularly published by or on behalf of the Commission and distribution to interested parties who have requested in writing to receive such notices. A meeting may be closed to the public where the Commission determines by two-thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

Section 2. Quorum.
Commission Members representing a majority of the Compacting States shall constitute a quorum for the transaction of business, except as otherwise required in these By-laws. The participation of a Commission Member from a Compacting State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

Section 3. Voting.
Each Compacting State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote himself or herself and shall not delegate his or her vote to another Member. Members may participate in meetings by telephone or other means of telecommunication or electronic communication. Except as otherwise required by the Compact or these By-laws, any question submitted to a vote of the Commission shall be determined by a simple majority.

Section 4. Procedure.
Matters of parliamentary procedure not covered by these By-laws shall be governed by Robert's Rules of Order.

Article VII
Committees

Section 1. Executive Committee.
The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except

for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission and the chairpersons of each committee. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

Section 2. Other Committees.
The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee, Rules Committee, Compliance Committee, and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

Article VIII
Finance

Section 1. Fiscal Year.
The Commission's fiscal year shall begin on July 1 and end on June 30.

Section 2. Budget.
The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

Section 3. Accounting and Audit.
The Commission, with the assistance of the executive director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The treasurer, through the executive director, shall cause the Commission's financial accounts and reports including the Commission's system of internal controls and procedures to be audited annually by an independent certified or licensed public accountant. As required by the Compact, upon the determination of the Commission, but no less frequently than once each year, the report of such independent audit shall be made available to the public and shall be included in and become part of the annual report to the Governors, legislatures, and judiciary of the Compacting States. The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related the independent audit shall be confidential; provided, that such materials shall be made available: 1) in compliance with the order of any court of competent jurisdiction; ii) pursuant to such reasonable rules as the Commission shall promulgate; and iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

Section 4. Public Participation in Meetings.
Upon prior written request to the Commission, any person who desires to present a

statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

Section 5. Debt Limitations.
The Commission shall monitor its own and its committees' affairs for compliance with all provisions of the Compact its rules and these By-laws governing the incursion of debt and the pledging of credit.

Section 6. Travel Reimbursements.
Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

Article IX
Withdrawal, Default, and Termination

Compacting States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Compacting State as provided by the Compact.

Article X
Adoption and Amendment of By-laws

Any By-law may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-third (2/3rds) majority vote of the Members shall be required for such action.

Article XI
Dissolution of the Compact

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State which reduces Membership in the Compact to one Compacting State as provided by the Compact**.**

Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded in an orderly manner and according to applicable law. Each Compacting State in good standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last

paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Compacting States in good standing at the time of the Compact's dissolution. A Compacting State is in good standing if it has paid its assessments timely.

APPENDIX III. RULES OF THE INTERSTATE COMMISSION

(*Approved, Nov. 2009)*

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INTRODUCTION:

Upon activation of the Interstate Compact a year ago, 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 and over the past year, the Committee met on several occasions to develop the rules. Comments were solicited from various stakeholders and input was considered. The rules complement the Interstate Compact and may not conflict with it. In addition, the rules are not designed to address every issue arising under the Compact, however, there is flexibility to make reasonable changes or clarification as the need arises through amendment, advisory opinions, and training opportunities. Attached is a final draft of the proposed rules for your consideration. The full Commission will be voting on the rules at our November meeting. Please review prior to then and we look forward to seeing you at the conference in Palm Springs.

Chapter – 100 DEFINITIONS

SEC. 1.101 Definitions

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

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

B. "By-laws" means: those by-laws established by the Interstate Commission on Educational Opportunity for Military Children for its governance, or for directing or controlling the Interstate Commission's actions or conduct.

C. "Children of military families" means: a school-aged child(ren), enrolled in kindergarten through twelfth (12th) grade, in the household of an active duty member.

D. "Compact commissioner" means: the voting representative of each compacting state, appointed pursuant to Article VIII of this compact.

E. "Days" means: business days, unless otherwise noted.

F. "Deployment" means: the period one (1) month prior to the service members' departure from their home station on military orders though six (6) months after return to their home station.

G. "Education(al) records" means: those official records, files, and data directly related to a student and maintained by the school or local education agency (LEA), including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

H. "Extracurricular activities" means: a voluntary activity sponsored by the school or LEA or an organization sanctioned by the LEA. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

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

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

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

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

M. “Non-member state” means: a state that has not enacted this compact.

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

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

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

Q. “State” means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. territory.

R. “Student” means: the child of a military family for whom the LEA receives public funding and who is formally enrolled in kindergarten through twelfth (12th) grade.

S. “Transition” means: 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

T. “Uniformed service(s)” means: the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

U. “Veteran” means: a person who served in the uniformed services and who was discharged or released under conditions other than dishonorable.

Chapter 200 – GENERAL PROVISIONS

Section 2.102 Adoption of rules; amendment

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

(a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee as follows:
   (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal must be made in the form of a motion and approved by a majority vote of a quorum of the Commission members present at the meeting;
   (2) Standing Committees of the Commission may propose rules or rule amendments by majority vote of that Committee;
   (3) Any regional group of states as may be subsequently recognized by the Commission may propose rules or rules amendments by a majority vote of members of that region;

(b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based upon the comments made by the Commissioners, the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission no later than the next annual meeting falling in an odd-numbered year.

(c) Prior to promulgation and adoption of a final rule by the Interstate Commission, the text of the proposed rule or amendment shall be published by the Rules Committee no later than thirty (30) days prior to the meeting at which the vote is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.

(d) Each administrative rule or amendment shall state—

   (1) The place, time, and date of the scheduled public hearing;

   (2) The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and

   (3) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

(e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, which case the person or entity making the request shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it chooses to do so.

(f) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at hearings required by this section.

(g) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Interstate Commission shall consider all written and oral comments received.

(h) The Interstate Commission shall, by majority vote of a quorum of the commissioners, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(i) Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States district court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside.

(j) Upon determination that an emergency exists, the Interstate Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to--

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

(2) Prevent a loss of federal or state funds;

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

(4) Protect human health and the environment.

SEC. 2.103 Data collection and reporting

(a) As required by the compact, and as specified by the operational procedures and forms approved by the commission, the states shall gather, maintain and report data regarding the transfer and enrollment of students who transfer from one state LEA to another state LEA under this compact.

(b) Each state shall report to the commission annually the number of students transferred to a LEA from another state and received from another state's LEA in the previous year.

(c) Reports required under sec. 2.103 (a) and (b) shall be received by the Commission no later than June 30 of each year.

SEC. 2.104 Dues formula

(a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting at which the proposed revision will be considered.

(b) The Commission may consider the population of the states, the number of students subject to the compact within each state, and the volume of student transfers between states in determining and adjusting the assessment formula.

(c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.

(d) The dues formula shall be based on the figure of one dollar per child of military families eligible for transfer under this compact.

SEC. 2.105 Forms

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

Chapter 300 – TRANSFER OF EDUCATION RECORDS AND ENROLLMENT

SEC. 3.101 Eligibility for transfer and enrollment

(a) *Unofficial or "hand-carried" education records* – In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible. In the event a state or LEA charges a fee for copies of educational records, such a fee shall not exceed the reasonable cost of reproduction.

(b) *Official education records/transcripts* - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) business days except for a designated school staff break including, but not limited to, spring, summer, or holiday. Records should be furnished as soon as possible following the return of staff from a school staff break; however, the time shall not exceed ten (10) days after the return of staff.

SEC. 3.102 Application for transfer of student records and enrollment

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

(a) *Immunizations* – Compacting states shall give thirty (30) calendar days from the date of enrollment. For a series of immunizations, initial vaccinations must be obtained-within thirty (30) calendar days.

(b) *Kindergarten and First grade entrance age* – Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including Kindergarten) from a LEA in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

(1) Any student who transfers from an out-of-state public school and who does not meet regular age requirements for admission to the school of the state being transferred into shall be admitted upon presentation of the data required in subsection (3).

(2) Any student who transfers from an out-of-state nonpublic school and who does not meet regular age requirements for admission to a public school in the state being transferred, shall be admitted if the student meets age requirements for public schools within the state from which he or she is transferring, and if the transfer of the student's academic credit is acceptable under rules of the school board. Prior to admission, the parent or guardian must also provide the data required in subsection (3).

(3) In order to be admitted into a school of the state being transferred, such a student transferring from an out-of-state school must provide the following data:

(i) Official documentation that the parent(s) or guardian(s) were resident(s) of the state in which the child was previously enrolled in school;

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

(iii) Documented evidence of immunization against communicable diseases; and

(iv) Evidence of date of birth.

Chapter 400 -- GRADUATION

(a) *Waiver requirements* – LEA administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another LEA or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the LEA shall provide an alternative means of acquiring required coursework so that graduation may occur on time. If the receiving LEA requires a graduation project, volunteer community service hours, or other state or LEA specific requirements, the receiving LEA may waive those requirements.

(b) *Exit exams* – States shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of Article VII, Section C shall apply.

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

Chapter 500 – PLACEMENT & ATTENDANCE

SEC. 5.101 Course placement

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

SEC. 5.102 Educational program placement

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

SEC. 5.103 Special education services

(a) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and

(b) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education.

(c) The receiving school may perform subsequent evaluations to ensure appropriate placement and appropriate services. The receiving school shall follow any current regulations the receiving state has in place in order to comply with federal or state law.

SEC. 5.104 Placement flexibility

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

SEC. 5.105 Absence as related to deployment activities

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

Chapter 600 -- ELIGIBILITY

SEC. 6.101 Eligibility for Enrollment

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

(1) A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent. Tuition may be charged for optional programs offered by the LEA.

(2) A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.
The local education agency shall not charge tuition. In addition, transportation to and from school is the responsibility of the non-custodial parent or other persons standing in loco parentis.

(b) *Eligibility for extracurricular participation* – State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, with consultation with the state high school athletic association, to the extent they are otherwise qualified. Application deadlines include tryouts, summer conditioning and other coach or district prerequisites.

Chapter 700 – OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

SEC. 7.101 Informal communication to resolve disputes or controversies

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

(b) *Failure to resolve dispute or controversy*

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

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

SEC. 7.102 Formal resolution of disputes and controversies

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

(b) *Mediation and arbitration*

(1) Mediation

(i) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.

(ii) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators and pursuant to procedures customarily used in mediation proceedings.

(2) Arbitration

(i) Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.

(ii) Arbitration shall be administered by at least one neutral arbitrator or a panel of arbitrators not to exceed three members. These arbitrators shall be selected from a list of arbitrators maintained by the commission staff.

(iii) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator (arbiter?).

(iv) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.

(v)(a) The arbitrator (arbiter?) in all cases shall assess all costs of arbitration, including fees of the arbitrator* and reasonable attorney fees of the prevailing party, against the party that did not prevail.

(b) The arbitrator* shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the commission has its principal offices.

(vi) Judgment on any award may be entered in any court having jurisdiction.

SEC 7.103 Enforcement actions against a defaulting state

(a) If the Interstate Commission determines that any state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties:

(1) Damages or costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

(2) Remedial training and technical assistance as directed by the Interstate Commission;

(3) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

(b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this Compact shall be terminated from the effective date of suspension.

(c) Within sixty (60) calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.

(d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(d) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.

(e) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

SEC 7.104 Judicial enforcement

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

APPENDIX IV. MIC3 COMMISSIONER APPOINTMENT FORM

INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN

APPOINTMENT OF STATE COMMISSIONER

On behalf of the State/Commonwealth of _____, I hereby appoint _____ to represent this state/commonwealth as the Commissioner and state representative to the Interstate Compact on Educational Opportunity for Military Children.

Therefore, by virtue of the authority vested in the Governor/_____ by the Constitution, and in pursuance of the provisions of the Statutes, I do hereby commission him/her, the said _____ to be the State Commissioner to the Interstate Commission on Educational Opportunity for Military Children, authorizing and empowering him/her to execute and discharge all and singular, the duties appertaining to said office, and to enjoy all the privileges and immunities thereof.

In Testimony Whereof, I have hereunto subscribed my name and caused the Great Seal of the State / Commonwealth of _____ to be affixed, at _____, this _____ day of _____, in the year _____.

(seal)

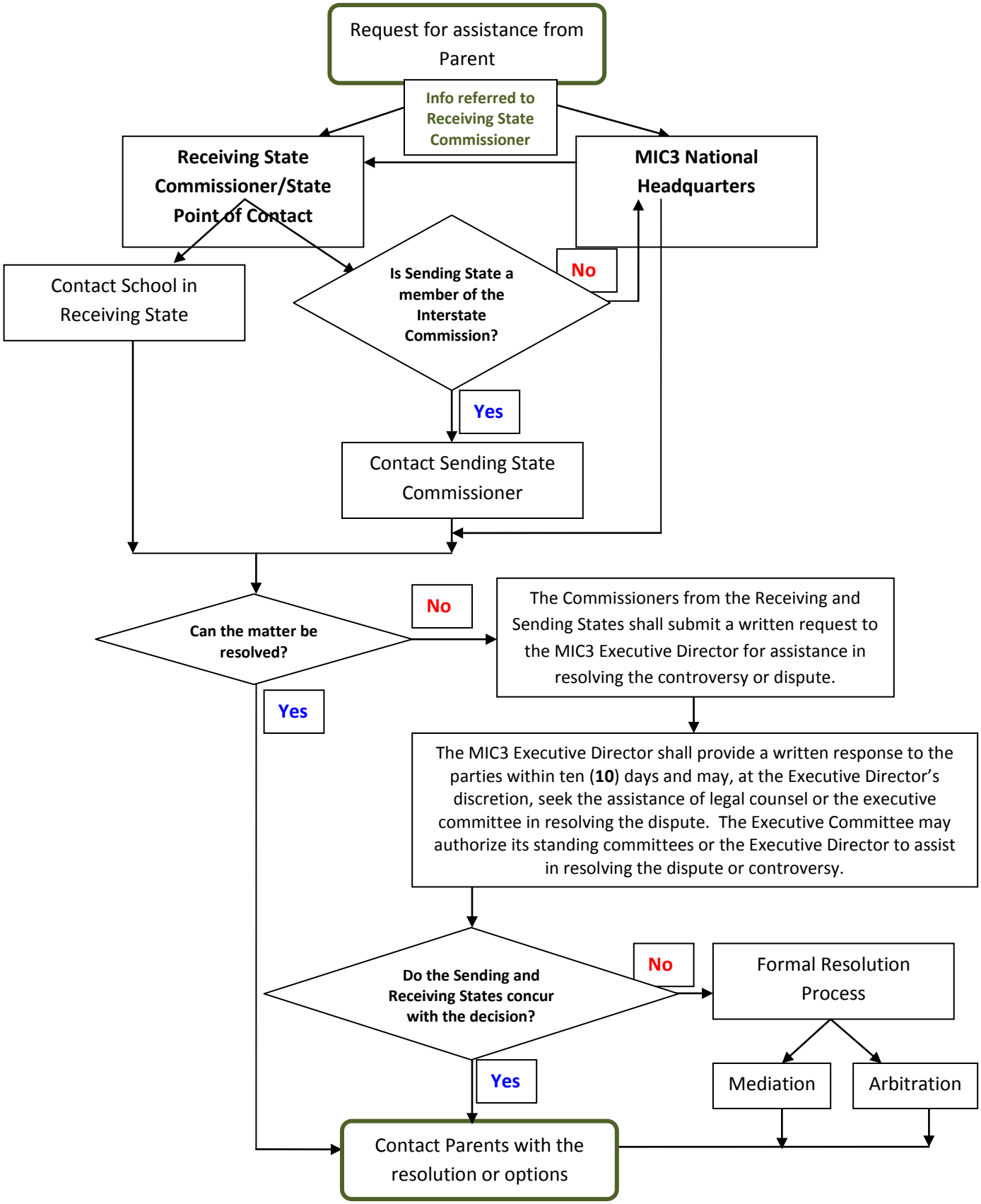
_____

Governor/_____

_____

Secretary of State

APPENDIX V. MIC3 CASE PROCESS AND DISPUTE RESOLUTION FLOWCHART



APPENDIX VI. PROPOSED PROCESS FOR DESIGNATING MILITARY REPRESENTATIVES TO STATE COUNCILS

If state statute concerning military representatives requires:	The State Commissioner contacts:[i]	Who requests a selection be made by:	Whereupon the official written designation is made by:
One representative for all military children in the state[ii]	The Deputy Under Secretary of Defense for Military Community and Family Policy (DUSD(MC&FP))	The Deputy Assistant Secretary for Manpower and Reserve Affairs (DAS (M&RA)) of the Military Department responsible for providing a rep for the state	The DUSD(MC&FP)
One representative for each Military Service	The DUSD(MC&FP) [iii]	The DAS(M&RA) of each Military Department	The DUSD(MC&FP)
One representative for each military installation in the state	The Commander of each installation	The Commander of each installation	The DUSD(MC&FP)[iv]

[i] If the State Commissioner has a nominee in mind to be considered as the military representative, the Commissioner should include the name of the nominee when contacting the individual indicated below.

[ii] One of the Military Departments will be responsible for making the selection to fill the position of DoD representative. Military Department responsibilities are as follows:

Military Department	Areas Of Responsibility
Army	Alabama, Alaska, Colorado, Georgia, Hawaii, Indiana, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Missouri, New York, Oklahoma, Pennsylvania, South Carolina, Texas, Vermont, Washington, Wisconsin
Navy	American Samoa, California, Connecticut, District of Columbia, Florida, Guam, Iowa, Maine, Michigan, Mississippi, New Hampshire, North Carolina, Northern Marianas, Oregon, Puerto Rico, Rhode Island, Tennessee, Virginia, Virgin Islands, West Virginia
Air Force	Arizona, Arkansas, Delaware, Idaho, Illinois, Massachusetts, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, South Dakota, Utah, Wyoming

In the event the State Commissioner requests a nominee that does not serve in the Military Department responsible for selecting a representative, DUSD(MC&FP) coordinates the selection with the DAS(M&RA) responsible for the state and also the DAS(M&RA) over the Military Service in which the individual serves.

[iii] For Hawaii, all Forces report to Pacific Command, consequently the State Commissioner should contact Pacific Command to obtain military representatives from each Service. In this circumstance the Senior Commander for each Military Service within the state makes the selection for the respective Military Service.

[iv] The DUSD(MC&FP) coordinates with the DAS(M&RA) of affected Military Department.

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

MAY 16 2011

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY
(CIVILIAN PERSONNEL AND FAMILY PROGRAMS)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(MILITARY PERSONNEL POLICY)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(FORCE MANAGEMENT AND PERSONNEL)

SUBJECT: State Council Representation for the Interstate Compact on Educational Opportunity for Military Children

We have had great support getting States to approve the Interstate Compact on the Educational Opportunity for Military Children (the Compact) over the past three years. We currently have 36 member States, with an additional six States considering legislation to approve the Compact during the 2011 legislative session. States approving the Compact is a big step, but certainly not the only one.

Member States are now implementing the Compact which requires them, among other important steps, to establish a State Council with a prescribed membership. Included is a position designated as a "representative from a military installation" who is the liaison for the Department of Defense (DoD) to this Council. A primary difference to remember about this position is that these individuals are representatives of DoD to the State Councils; therefore, they must be designated by the Department, not by the State.

We have been working with your staff to coordinate the selection and designation of these representatives so that they fulfill their role within the restrictions placed on DoD personnel and military members by the Government-wide ethics rules and DoD 5500.7-R, Joint Ethics Regulation (JER). The appropriate person to fill this position is a military member or DoD civilian employee who has a direct interface with the State education system as part of his or her official duties (e.g., school liaison (SL)) or has oversight responsibility over those who do.

The State Councils also require a "military family education liaison" (MFEL) to assist families and the State in implementing the Compact. Some State Councils have attempted to designate DoD personnel as SLs to fulfill this role. However, since MFELs act as representatives of the State, this is not an appropriate position for DoD personnel.

One of the key responsibilities of the MFEL is to educate the local education agencies on the provisions of the Compact. We foresee MFELs and our military SLs working closely together to collaborate on opportunities to educate school administrators, school staff and military parents on the Compact. In this regard, we ask you to encourage your SLs to take every opportunity to work with the State MFEL in implementing the Compact. At the same time, we request that you make clear to your SLs, and all other DoD personnel involved with the implementation of the Compact, that they cannot accept an appointment to be an MFEL. The more we implement the Compact in partnership, the better the results.

For further information on this issue and on the implementation of the Compact, please contact Mr. Ed Kringer, Director of State Liaison and Educational Opportunity at ed.kringer@osd.mil or at 703-602-4949 ext 114.

Robert L. Gordon III
Deputy Assistant Secretary of Defense
(Military Community and Family Policy)

cc:
Secretary of the Army
Secretary of the Navy
Secretary of the Air Force

APPENDIX VIII.

INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

STAFF DIRECTORY

NAME	POSITION	BUSINESS ADDRESS	PHONE	CELL PHONE	EMAIL
BG(Ret) Norman E. Arflack	Executive Director	2670 Research Park Drive P.O. Box 11910 Lexington, KY 40578	859-244-8069	859-619-8067	narflack@csg.org
Rick Masters	General Counsel (Contract Employee)	2670 Research Park Drive P.O. Box 11910 Lexington, KY 40578		502-262-5881	rmasters@csg.org
W. John Matthews III	Program Specialist	2670 Research Park Drive P.O. Box 11910 Lexington, KY 40578	859-244-8157	850-559-4355	jmatthews@csg.org
Richard Pryor	Administrative Assistant	2670 Research Park Drive P.O. Box 11910 Lexington, KY 40578	859-244-8133	859-230-3131	rpryor@csg.org