

**NATIONAL GUARD AND RESERVE TASK FORCE (NGRTF) MINUTES
Wednesday, October 23, 2019**

PRESENT	Kathleen Berg Darcy Benway Davina French Brian Halstead Ben Rasmussen Rosemarie Kraeger Elsie Arntzen Terry Ryals Beth Workman	Hawaii Commissioner Illinois Commissioner North Dakota Commissioner Nebraska Commissioner (via phone) Utah Commissioner Rhode Island Commissioner Montana Proxy Alaska Commissioner Communications Associate	Chair Secretary
EXCUSED	Hal Sterns	Montana Commissioner	
GUEST	Brian Garrett	Military Veterans Relations, Zions Bank	

ITEM 1 – CALL TO ORDER AND WELCOME

1. Chair Kathy Berg (HI) called the meeting to order at 12:06 PM MST. Roll call was conducted by MIC3 Communications Associate Beth Workman. A quorum was established.

ITEM 2 – AGENDA

2. The agenda as presented was adopted unanimously.

ITEM 3 – NEW BUSINESS

3. Utah Perspective on the Interstate Educational Transitions of the Children of the National Guard and Reserve – Chair Berg introduced Mr. Brian Garrett who is the Director of Military Veterans Relations for Zions Bank and is Chair of the Military Affairs Committee for the Chamber of Commerce in Utah. He also serves on the Utah Legislature Veterans and Military Affairs Task Force.

4. Mr. Garrett stated around 2011-2012 Utah started to see a trend in issues arising when veterans transitioned back to active duty. The Veterans Reintegration Task Force Committee was created to study this trend and is now a commission. The commission has the ability to recommend or draft legislation. The commission proposed changes in legislation to expand the V.A. definition of a veteran to include Guard and Reserve members in veteran status, thus opening up resources to the Guard and Reserve members.

5. The NGRTF Members were provided with a testimony (see [Attachment 1](#)), which Mr. Garrett explained was one of the deciding factors to expand coverage to Guard and Reserve members.

6. Mr. Garrett asked the Task Force why U.S. Public Health Service and NOAA members are included in the Compact, but not Guard and Reserve members? He explained since the 9/11 terror attacks, the Reserve has transitioned from the strategic Reserve to the fully operational Reserve; the military goes to war with the Reserve. Reserve members that want career progression, must move around the country and Reserves and Guard are being managed much like their active duty counterparts.
7. Chair Berg reminded the attendees that the purpose of the Task Force is to identify those parties not covered by the provisions of the Military Interstate Children's Compact Commission (MIC3) and determine if they should be included under the Compact. Mr. Garrett stated he thought there is a shift in how the National Guard fills positions, via nationwide recruitment to fill manning roles and he offered several examples of individuals who left Utah for another state to pursue development opportunities and sustain their career.
8. Chair Berg explained the distinction the Task Force needs to make is if the status of those required to move are Title 10 or another title status. Mr. Garrett responded that one of the reasons Utah decided to include all military, no matter the status, was because many times the military does not understand the title status, so how can educators be required to know the title status of those moving into their school districts? Mr. Garrett reiterated determining status of military personnel is "too complicated, too confusing and does not meet the demands of the environment."
9. Commissioner Darcy Benway (IL) requested clarification on why individuals are moving, is it for growth potential in the military and is this a voluntary or required move? Chair Berg and Mr. Garrett both confirm that it is an optional move. Commissioner Benway asks how is this different from a private citizen who changes positions or locations to further his career? Mr. Garrett responded that utilization of the Reserve and National Guard are shifting and in order to continue a career the individual has to move. Commissioner Benway retorted that this is true for public and private sector positions as well, to move for better career opportunities, but it is still a choice. She responded that as a superintendent she applies the MIC3 compact to all children transitioning into her school district. Chair Berg agreed with Commissioner Benway but reiterated that only military dependents are covered under the MIC3 Compact.
10. Chair Berg interjected that the crux of the issue is that in active duty members are required to move, whereas Guard members have an option out, which is a clear difference. Mr. Garrett responded that General Mark Milley, Chairman of the Joint Chiefs of Staff, is quoted saying that "we are one army," including the Guard and Reserve. He also stated that the service branches had indicated they did not want to differentiate between the active duty military members and Guard and Reserve.
11. Commissioner Benway reiterated that due to her personal, professional growth in education, her daughter was in six schools in six years, which was fueled by the family's personal choice and preference. She repeated her earlier statement that all children should be treated equally regardless of the reason behind their family's move or transition. Chair Berg discussed the issue of fiscal responsibility and asked how would the potential addition of Guard and Reserve kids be covered? Is there a potential of increased state dues? Are schools prepared

and able to handle the potential increase of cases? Commissioner Benway asked if those are decisions made by state school superintendents or on the national level? Also, would the Commission extend this to only National Guard and Reserve kids or all transient students? Chair Berg said that children of active duty parents have the Compact Model Language in their state's statute on their side: however, school policy is typically developed at the local level, so the Compact is powerful bringing 50 states and DC together to cover active military dependents. Commissioner Benway asked why each state cannot introduce legislation covering Guard and Reserve children outside of the Compact statute? Mr. Garrett responded that Utah's Legislative Attorney's opinion is that add-on language is "horrible policymaking," because it causes confusion of coverage among several classifications. Mr. Garrett stated that was why Utah changed the language of the Compact to include all military by removing the Title 10 language from the Compact Model Language.

12. Chair Berg clarified that California, Kentucky, and Arkansas have statutes outside of the Compact. Mr. Garrett responded that Oregon, Nevada, Idaho, Alaska, and Washington have reached out to Utah for direction on potential legislation. Mr. Garrett stated that the Commission, specifically General Counsel Rick Masters, never provided Utah with specific language to use for legislation outside of the Compact. Utah was willing to negotiate even though Utah's Legislative Attorney had stated introducing language outside the Compact statute was a bad idea. Mr. Garrett said Commission Chair Don Kaminar (AR) and Commissioner Daren Korte (MN) visited the Utah Governor and Chief of Staff in May and were told by the Governor's Office that if the Commission continues to threaten a lawsuit, then Utah will withdraw from the Compact.

13. Mr. Garrett provided the Task Force Members with several documents including a letter dated February 2018 from the Secretaries of the Army, Navy, and Air Force putting states on notice that educational barriers for children and reciprocity for families are being investigated by these three military branches ([Attachment 2](#)). He continued that in his opinion the service branches will take care of the Guardsmen, and distributed a letter from the Enlisted Association of the National Guard of the United States ([Attachment 3](#)) to support his statement. Finally, Mr. Garrett distributed a letter sent to MIC3 Chair Don Kaminar, and read the letter out loud to the Task Force Members ([Attachment 4](#)).

14. Chair Berg stated opening the Compact language in all 50 states and DC presents the opportunity for every state legislature to make changes to the Compact Model Language, which would compromise the legality of the Compact. This is the reason the Commission has asked each state to create legislation outside of the Compact, because it saves the integrity of the Compact and allows states to address their specific issues. She cautioned that the Commission must consider the risk of states exiting the Compact because they are not willing to dedicate additional resources to proposing and passing another law when the Compact is already in place.

15. Commissioner Benway echoed the words of the Chair and repeated that she understood the MIC3 is to level the playing field for military children and not to provide a privilege, but there is a huge difference between a voluntary move for growth and career advancement, versus an ordered assignment. Mr. Garrett disagreed with Commissioner Benway.

16. Chair Berg acknowledged Mr. Garrett's point that military leadership is insistent that frequent moves either for active duty or career advancements is part of regular Reserve Duty and the statement that the active duty cannot do their work without the support of the National Guard and Reserve corroborates inclusion in the Compact. Mr. Garrett stated that there are currently 29 different duty statuses that Guard and Reserve members fall under and that Congress has been mandated with reducing it to four. He explained that if Congress, under the National Defense Authorization Act, redefines Title 10 then the MIC3 Compact Language would be affected. Commissioner Davina French (ND) interjected that if a federal law changes, then the state can adjust their law to reflect the new federal law under "housekeeping" legislation. Chair Berg asked Commissioner French if it would be possible to make changes to the Model Compact Language through "housekeeping" legislation. Commissioner French responded that it is an option for simple legislation changes on the state level. Mr. Garrett agreed that this could work in conjunction with the Adjutant General working with state Commissioners on legislation that would protect the integrity of the model language.

17. Mr. Garrett suggested that the MIC3 find a Guard and Reserve advisor to participate on the Task Force, and again, stated that there are too many title statuses for educators to differentiate and removing the Title 10 language eliminates the confusion. He continued that the Secretaries of Army, Navy, and Air Force expect states to address education transitions for military dependents and the Commission should provide guidance to the states who are interested in expanding coverage to Guard and Reserve dependents.

18. Mr. Garrett said the Commission "runs the risk of states going off and doing their own thing," and it would be best for the Commission to give states a vehicle to address covering the Guard and Reserve. Again, Mr. Garrett declared that the states he has spoken with want to do the same as Utah since it is just removing 5 words from the Compact statute.

19. Chair Berg informed Mr. Garrett that, in its current state, Utah has compromised the integrity of the MIC3 Compact Model Language. By changing the language Utah has in a sense exited from the legal framework of the interstate compact, which is why the Commission's General Counsel, Rick Masters is concerned. Mr. Garrett responded that the Utah Attorney General does not care.

20. Commissioner Ben Rasmussen (UT) requested that the Task Force wrap up conversation and discuss next steps. Commissioner French said the Commission needs to talk to the states that have already passed legislation and the states that are thinking about passing legislation. Commissioner Benway stated that she does not argue with the merit of the request, but questions the methodology to open the compact language, which could reverse many years of hard work. Mr. Garrett pledged to help the Commission create a vehicle to pass this legislation.

21. Chair Berg will meet with Rick Masters to discuss possible options for the Task Force to consider. She stated getting 51 commissioners to agree to striking only the Title 10 language would be easier than passing legislation one state at a time. The mission of the Task Force is to define issues around transitioning Guard and Reserve members, which has already been addressed by the Secretaries of the Army and Air Force. The next challenge is what are the intrastate issues, which is not covered in the interstate compact, that could be addressed through

state law or policy. Could more problems be solved with a state law than a change to the Model Compact Language.

22. Mr. Garrett said that he requested that the other states hold on further legislation until he discussed this matter in detail with the Commission. Mr. Garrett and Commissioner Rasmussen were both very pleased that Chair Kaminar set up the NGRTF to investigate the issues surrounding the National Guard and Reserve.

23. Chair Berg responded that the Task Force would need to get 51 Commissioners and 50 governors on board if the Task Force recommends a change to the Compact statute. Commissioner Benway stated that she worried if other school districts would be on board and support the change. Commissioner French brought up concerns about right and wrong reasons for educational transfers being protected under new state legislation.

24. Commissioner Berg closed the meeting stating that the NGRTF report is due at the 2020 Annual Business Meeting, but she would like the task force to move quicker to a resolution. Chair Berg requested that Mr. Garrett pause advancement for those states he has spoken with, to give the Task Force time to research and address the issue.

ITEM 4 – ADJOURNMENT- There being no further business to discuss, Chair Berg adjourned the meeting at 1:04 PM MST.

Respectfully submitted by,
Beth Workman
Secretary/Communications Associate