

	<p><b>Number:</b> <b>3-2017</b></p>
<p><b>Advisory Opinion Issued by:</b> Cherise Imai, Executive Director Richard L Masters, General Counsel</p>	<p><b>Dated:</b> April 20, 2017 <b>Approved:</b> May 3, 2017</p>
<p><b>Requestor: State of Arkansas</b></p>	
<p><b>Description:</b> Whether the provisions of Article VIII, A. of the Interstate Compact on Educational Opportunity for Military Children (MIC3) permits member states to add members to the state council?</p>	

I. **Background**

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

II. **Issue**

The Commissioner from Arkansas would like further guidance from the Military Interstate Children's Compact Commission concerning whether the provisions of Article VIII, A. of the Compact permits member states to add members to the state council?

III. **Applicable Compact Provisions or Rules**

Article VIII, Section A. of the Compact, in relevant part provides:

"A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. **While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education or his or her designee, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate.** A member state that does not have a school district deemed to contain a high concentration of military

children may appoint a superintendent from another school district to represent local education agencies on the State Council. (emphasis added)

#### IV. Review and Analysis

Our analysis of the application of the Compact statute (A.C.A. §6-4-302) begins with an examination of its text. Article VIII, Section A. of the Compact explicitly provides that in appointing the State Council, each member state “**may determine the membership of its own State Council**” with the exception that “**its membership must include at least: the state superintendent of education or his or her designee, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government.** Subject to the above exception this section, this section clarifies that the State Council has the discretion to add other members consisting of **other offices and stakeholder groups the State Council deems appropriate.** (emphasis added)

While the Arkansas Commissioner also submitted a copy of the companion legislation (A.C.A. §6-4-304) enacted by Arkansas to implement the above compact provisions concerning the appointment of the State Council, this compact provision must also be read together with the above provisions of Compact which clearly vest discretion in the State Council to appoint additional members of other offices and stakeholder groups as it deems appropriate. As the U.S., Supreme Court has recently reaffirmed the “fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme.” *Utility Air Regulatory Group v. EPA* 134 S. Ct. 2427 (2014); *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000). A harmonious reading of these statutes is only possible if the plain meaning of Article VIII, Section A is construed to permit Arkansas and all other MIC 3 member states to add members to the state council as authorized by this provision of the Compact. Interpretations of statutes leading to ‘absurd results’ are to be avoided. See *Griffin v. Oceanic Contractors, Inc.*, 458 U.S. 564 (1982) (“It is true that interpretations of a statute which would produce absurd results are to be avoided if alternative interpretations consistent with the legislative purpose are available.”) see also *U.S. v. American Trucking Assns., Inc.*, 310 U.S. 542-43 (1940).

#### V. Conclusion

In summary, the provisions of Article VIII, A. of the Interstate Compact on Educational Opportunity for Military Children (MIC3) clearly permit Arkansas and all other MIC 3 member states to add members to the state council as authorized by this provision of the Compact.