

	<p><b>Number:</b> <b>5-2017</b></p>
<p><b>Advisory Opinion Issued by:</b> Cherise Imai, Executive Director Richard L. Masters, General Counsel</p>	<p><b>Dated:</b> May 31, 2017</p>
<p><b>Requestor:</b> State of Nevada</p>	
<p><b>Description:</b> Whether the provisions of Article VII, A. and B. of the Interstate Compact on Educational Opportunity for Military Children (“MIC3”) and MIC3 Rule 4.102 provide for waivers of course requirements, including end of course exams, for any student or is limited only to graduating seniors.</p>	

I. **Background**

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

II. **Issue**

Whether the provisions of Article VII, A. and B. of the Interstate Compact on Educational Opportunity for Military Children (“MIC3”) and MIC3 Rule 4.102 provide for waivers of course requirements, including end of course exams, for any student or is limited only to graduating seniors.

III. **Applicable Compact Provisions or Rules**

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

A. “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 provide reasonable justification for denial of a waiver.”

“Article VII, Section B. of the Compact provides:

B. “Exit exams - States shall accept exit or end-of-course exams required for graduation from the sending state;”

MIC3 Rule 4.102 provides:

**“Rule 4.102 Exit exams**

“Exit exams – States shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state.”

IV. **Review and Analysis**

An analysis of the application of a statute begins with examination of its text. Article VII, Section A. of the Compact unequivocally provides for waivers of specific courses required for graduation if similar course work has been satisfactorily completed in the sending state, or provide reasonable justification for denial. (*emphasis supplied*). Article VII, Section B. of the MIC3 statute explicitly requires that “States shall accept exit or end of course exams required for graduation from the sending state.”

Consistent with the above statutory requirements, MIC3 Rule 4.102 requires that states shall accept exit or end of course exams required for graduation from the sending state.

In none of the above referenced compact statutory provisions is it required that the student seeking an accommodation based upon the above provisions for waiver or recognition of end of course exams must be a senior level student at the time such request for accommodation is made. The intent of these compact provisions can be determined from the plain meaning of the language used that these provisions of MIC3 are not limited to graduating seniors but are applicable to any qualified student.

As the U.S., Supreme Court has reaffirmed, “Applying ‘settled principles of statutory construction,’ we must first determine whether the statutory text is plain and unambiguous and . . . [i]f it is, we must apply the statute according to its terms.” *Carcieri v. Salazar*, 555 U.S. 379, 387 (2009); See also *Lamie v. U.S. Trustee*, 540 U.S. 526, 534 (2004) (“[W]hen the statute’s language is plain, the sole function of the courts – at least where the disposition required by the text is not absurd – is to enforce it according to its terms.” (internal quotation marks omitted).

V. **Conclusion**

In sum, by its explicit terms the provisions of Article VII, A. and B. the Compact and MIC3 Rule 4.102 provide for waivers of course requirements, including recognition of end course exams for any qualified student and are not limited to graduating seniors.