

# **Should the Compact be Expanded to Include Dependents of the National Guard and Reserves beyond Title 10?**

California State Council Discussion

# How Does the Compact Cover NGR Dependents?



MILITARY INTERSTATE  
CHILDREN'S COMPACT  
COMMISSION

## Chapter 100 (Definitions), SEC.1.101 Definitions

*“...active-duty members of the uniformed services, including members of the National Guard and Reserve on active-duty orders (Title 10)”*

## Chapter 500 (Placement and Attendance), 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.*

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## 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.

(3) 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.

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# Background



- 2016: State of Utah changed their compact statute.
- 2018 State of Utah requested Compact expansion for other titles.
- 2019: Ad Hoc National Guard and Reserve Task Force convened

**Mission:** *To collect and analyze relevant data in order to recommend whether MIC3 protections for military-connected students already in place for the children of these reserve component service members in Title 10 status should be expanded to cover children of members in other status situations, as well.*

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# 2019 Annual Business Meeting Report



- Data showed 1.5 million military-connected children total (including NGR)
- Military moving towards being more inclusive of National Guard and Reserve and to treat all military families the same.
- Expansion of the compact through separate and external statute to the compact language. (KY, AR)
- Utah's amendment = out of compliance with other member states.
- Concerns regarding fiscal impact on member states when making their final recommendation to the Commission.

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# 2020 NGR Survey of States



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- Purpose: Obtain feedback and insight
- 34/43 (79%) states responded (9 vacancies)
- 62% interact with the NGR in their state
- 54% include an NGR as a member of the state council
- 40% inform NGR members/families about the Compact
- 2017-2020: 5 states indicated they had NGR cases, 2 states reported they were compact related under Title 10.
- 86% Military Student Identifier: 50% Army National Guard; 44% Air Guard

\*\*Support Letters: Reserve Officers Association; Enlisted Association of the National Guard

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# 2020 Annual Business Meeting Report



..support expansion of Compact coverage to all members of the Selected Reserve - including Traditional, Active/Guard Reserve, and Military Technician (Dual Status) members - for moves related to changes in duty station and for deployments in any active-duty status, including Title 10, Title 32, and State Active Duty (SAD). *It was understood:*

- The rules change process cannot change applicability
- A rules change requires unanimous consent
- States may not unilaterally amend their compact statute
- Some states have enacted separate and external statute to extend coverage
- Provided analysis of fiscal impact (ref AD+NGR Data)

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## Commissioner Concerns

- Did not adopt the recommendation
- Desire to discuss with state councils and stakeholders
- Possible dues increase with the addition of national guard and reserve dependents
- Referral of the item to the Executive Committee

Note: Guidance developed for Commissioners and State Councils  
[https://mic3.net/wp-content/uploads/2021/03/Commissioner-Guidance\\_20210121\\_FINAL.pdf](https://mic3.net/wp-content/uploads/2021/03/Commissioner-Guidance_20210121_FINAL.pdf)



## Fiscal Impact / State Dues

- Expansion of the Compact to cover reserve component children is not an opportunity to increase revenues to the Commission.
- Inclusion of reserve component children should be accomplished without an increase in dues, if at all possible.
- Courses of action to amend the Compact to include reserve component children will probably require a change to the dues formula to ensure that state dues are not increased.
- Assessment: Operations and States

Active Duty + National Guard and Reserve



MILITARY INTERSTATE CHILDREN'S COMPACT COMMISSION

State	AD ONLY			NGR ONLY			AD+NGR		FY22 Dues (No Threshold)	FY22 Dues with Threshold*
	Sponsors	Child 5-18	FY22 Dues	Sponsors	Child 5-18	FY22 Dues	Sponsors	Child 5-18		
1 Texas	107,038	59,645	\$ 68,592	76,690	37,563	\$ 43,197	183,728	97,208	\$ 111,789	\$ 69,000
2 Virginia	120,588	69,038	\$ 69,000	48,576	20,639	\$ 23,735	169,164	89,677	\$ 103,129	\$ 69,000
3 California	159,650	57,216	\$ 65,798	81,436	28,211	\$ 32,443	241,086	85,427	\$ 98,241	\$ 69,000
4 Florida	75,844	39,248	\$ 45,135	49,328	24,098	\$ 27,713	125,172	63,346	\$ 72,848	\$ 69,000
5 North Carolina	97,528	42,790	\$ 49,209	37,484	13,975	\$ 16,071	135,012	56,765	\$ 65,280	\$ 65,280
6 Georgia	57,638	30,601	\$ 35,191	35,811	16,638	\$ 19,134	93,449	47,239	\$ 54,325	\$ 54,325
7 Washington	55,379	25,861	\$ 29,740	25,196	11,572	\$ 13,308	80,575	37,433	\$ 43,048	\$ 43,048
8 Maryland	33,226	19,660	\$ 22,609	21,209	9,839	\$ 11,315	54,435	29,499	\$ 33,924	\$ 33,924
9 Colorado	37,241	18,433	\$ 21,198	19,954	9,685	\$ 11,138	57,195	28,118	\$ 32,336	\$ 32,336
10 Hawaii	44,613	17,921	\$ 20,609	11,109	5,301	\$ 6,096	55,722	23,222	\$ 26,705	\$ 26,705
11 New York	22,387	9,931	\$ 11,421	33,964	12,816	\$ 14,738	56,351	22,747	\$ 26,159	\$ 26,159
12 Tennessee	16,803	11,220	\$ 12,903	20,193	11,339	\$ 13,040	36,996	22,559	\$ 25,943	\$ 25,943
13 South Carolina	31,787	13,034	\$ 14,989	20,954	9,462	\$ 10,881	52,741	22,496	\$ 25,870	\$ 25,870
14 Arizona	22,727	10,422	\$ 11,985	20,895	10,953	\$ 12,596	43,622	21,375	\$ 24,581	\$ 24,581
15 Ohio	9,322	6,802	\$ 7,822	30,010	13,667	\$ 15,717	39,332	20,469	\$ 23,539	\$ 23,539
16 Alabama	12,917	9,567	\$ 11,002	19,656	10,250	\$ 11,788	32,573	19,817	\$ 22,790	\$ 22,790
17 Missouri	13,750	7,707	\$ 8,863	21,288	11,158	\$ 12,832	35,038	18,865	\$ 21,695	\$ 21,695
18 Illinois	28,704	7,313	\$ 8,410	29,140	10,510	\$ 12,087	57,844	17,823	\$ 20,496	\$ 20,496
19 Pennsylvania	5,078	4,084	\$ 4,697	31,766	13,525	\$ 15,554	36,844	17,609	\$ 20,250	\$ 20,250
20 Oklahoma	19,347	9,078	\$ 10,440	15,375	7,885	\$ 9,068	34,722	16,963	\$ 19,507	\$ 19,507
21 Kansas	20,671	9,718	\$ 11,176	11,349	7,091	\$ 8,155	32,020	16,809	\$ 19,330	\$ 19,330
22 Louisiana	15,926	7,521	\$ 8,649	16,109	7,898	\$ 9,083	32,035	15,419	\$ 17,732	\$ 17,732
23 Kentucky	17,354	8,202	\$ 9,432	13,166	6,947	\$ 7,989	30,520	15,149	\$ 17,421	\$ 17,421
24 Utah	5,216	3,293	\$ 3,787	11,732	9,747	\$ 11,209	16,948	13,040	\$ 14,996	\$ 14,996
25 Mississippi	11,903	4,919	\$ 5,657	14,607	8,117	\$ 9,335	26,510	13,036	\$ 14,991	\$ 14,991
26 Indiana	2,519	2,389	\$ 2,747	18,176	9,985	\$ 11,483	20,695	12,374	\$ 14,230	\$ 14,230
27 Alaska	21,466	8,272	\$ 9,513	5,733	3,384	\$ 3,892	27,199	11,656	\$ 13,404	\$ 13,404
28 Michigan	3,756	3,040	\$ 3,496	17,712	8,460	\$ 9,729	21,468	11,500	\$ 13,225	\$ 13,225
29 New Jersey	9,659	4,469	\$ 5,139	16,774	6,693	\$ 7,697	26,433	11,162	\$ 12,836	\$ 12,836
30 Nevada	12,804	5,737	\$ 6,598	10,026	3,974	\$ 4,570	22,830	9,711	\$ 11,168	\$ 11,168
31 Minnesota	1,476	1,185	\$ 2,300	17,709	8,410	\$ 9,672	19,185	9,595	\$ 11,034	\$ 11,034
32 Wisconsin	2,478	1,893	\$ 2,300	15,329	6,944	\$ 7,986	17,807	8,837	\$ 10,163	\$ 10,163
33 Arkansas	4,595	2,570	\$ 2,956	10,350	5,869	\$ 6,749	14,945	8,439	\$ 9,705	\$ 9,705
34 New Mexico	13,613	5,036	\$ 5,791	6,201	3,169	\$ 3,644	19,814	8,205	\$ 9,436	\$ 9,436
35 Massachusetts	4,429	2,304	\$ 2,650	15,253	5,581	\$ 6,418	19,682	7,885	\$ 9,068	\$ 9,068
36 Nebraska	6,553	3,684	\$ 4,237	6,792	4,182	\$ 4,809	13,345	7,866	\$ 9,046	\$ 9,046
37 Idaho	4,191	2,033	\$ 2,338	6,865	4,713	\$ 5,420	11,056	6,746	\$ 7,758	\$ 7,758
38 Oregon	2,452	1,606	\$ 2,300	9,598	4,980	\$ 5,727	12,050	6,586	\$ 7,574	\$ 7,574
39 Iowa	1,107	1,051	\$ 2,300	10,606	5,484	\$ 6,307	11,713	6,535	\$ 7,515	\$ 7,515
40 Connecticut	7,380	3,016	\$ 3,468	8,623	3,187	\$ 3,665	16,003	6,203	\$ 7,133	\$ 7,133
41 South Dakota	3,728	1,573	\$ 2,300	5,000	3,279	\$ 3,771	8,728	4,852	\$ 5,580	\$ 5,580
42 North Dakota	7,579	2,496	\$ 2,870	4,550	2,253	\$ 2,591	12,129	4,749	\$ 5,461	\$ 5,461
43 Montana	3,801	1,542	\$ 2,300	4,512	2,593	\$ 2,982	8,313	4,135	\$ 4,755	\$ 4,755
44 West Virginia	686	591	\$ 2,300	6,070	3,293	\$ 3,787	6,756	3,884	\$ 4,467	\$ 4,467
45 Delaware	3,872	1,666	\$ 2,300	3,695	1,906	\$ 2,192	7,567	3,572	\$ 4,108	\$ 4,108
46 Maine	1,490	1,074	\$ 2,300	4,474	2,361	\$ 2,715	5,964	3,435	\$ 3,950	\$ 3,950
47 Wyoming	3,122	1,435	\$ 2,300	2,692	1,662	\$ 1,911	5,814	3,097	\$ 3,562	\$ 3,562
48 Rhode Island	3,015	1,412	\$ 2,300	3,698	1,474	\$ 1,695	6,713	2,886	\$ 3,319	\$ 3,319
49 N.Hampshire	1,139	647	\$ 2,300	4,859	2,105	\$ 2,421	5,998	2,752	\$ 3,165	\$ 3,165
50 Vermont	249	155	\$ 2,300	2,780	1,378	\$ 1,585	3,029	1,533	\$ 1,763	\$ 2,300
51 Dist of Col	4,147	815	\$ 2,300	2,248	439	\$ 505	6,395	1,254	\$ 1,442	\$ 2,300
	<b>1,173,943</b>	<b>564,915</b>	<b>\$ 652,317</b>	<b>937,322</b>	<b>436,644</b>	<b>\$ 502,141</b>	<b>2,111,265</b>	<b>1,001,559</b>	<b>\$ 1,151,793</b>	<b>\$ 1,043,181</b>

## Active-Duty + Natl Guard & Reserve Sponsors and Children Data

Prepared by the Defense Manpower Data Center on August 19, 2020.

\*Min=\$2,300, Max=\$69,000

As of July 31, 2020

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## California Dues Projection (#3)

	Sponsors	Dependents (Aged 5-18)	Estimated FY22 Dues (\$1.15 p/c)
Active Duty	159,650	57,216	\$65,798
Natl Grd & Res	81,456	28,211	\$32,443
<b>Total</b>	<b>241,086</b>	<b>85,427</b>	<b>\$98,241 -&gt; \$69,000 (+5%)</b>

### Note:

- DMDC Data as of August 2020, based on residency
- The Commission will determine if a change to the dues formula (\$1.15/per child) is needed
- A change to the formula would require a By Laws change

## Five Possible Courses of Action

1. Amend the Compact Statute.
2. Amend State Codes Outside the Compact.
3. Create an “Enhanced Compact”.
4. Adopt a Memorandum of Agreement (MOA).
5. Take No Action At This Time.

## COA #1

### Amend the Compact Statute.

**Pro:** Extend compact coverage to all NGR dependents beyond Title 10 in the Compact.

**Con:** The language would need to be adopted in statute by all 50+1 members before the coverage would be active; cost to the commission to fund this effort; time to work with states to pass the language; risk other unapproved modifications to the compact statute.

**Note:** Could state legislatures adopt an “administrative amendment” that clarifies that the Compact shall be applied to all children of military families?

**Fiscal cost:** \$761K

## COA #2

### Amend State Codes Outside the Compact.

**Pro:** States could choose to do this independently; would be in effect immediately upon passage; would not increase annual state dues as it is outside of the compact.

**Con:** Would not be uniform across all member states

### Examples of separate, external language which extends Compact coverage:

- Arkansas covers all NGR children, regardless of title.  
<http://www.arkleg.state.ar.us/assembly/2019/2019R/Acts/Act939.pdf>
- Kentucky covers students of U.S. Department of Defense (USDOD) civilian employees.  
<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=3244>

**Fiscal cost:** \$2,000

## COA #3

### Create an “Enhanced Compact”.

Include the additional language to extend coverage. The enhanced & original compacts would bind states that join the enhanced compact, but only the current compact would bind states that choose not to join. (ref. The Nursing Compact)

**Pro:** States that wish to join the enhanced compact could do so, but no state would be required to.

**Con:** The enhancement risks becoming too broad; states may choose to add measures that other states choose not to include; would the current staff be sufficient to administer both compacts; might complicate the dues formula if not all states join the enhanced compact.

**Fiscal cost:** \$3,000-5,000

## COA #4

### **Adopt a Memorandum of Agreement (MOA).**

The appropriate official in each state (governor, chief state school officer) could sign a MOA developed by the Commission. The MOA would indicate that the signatory states would treat children of reserve component families as though the Compact covers them. Reserve component children would not be counted for calculating dues.

**Pro:** Avoids issues of compliance raised by amending the compact statutes; requires no change to dues formula.

**Con:** Could be canceled by the same official who entered the MOA; might expire after a given period of time.

**Fiscal cost:** \$3,000-8,000



## COA #5

### Take No Action At This Time.

A Member State may feel no further action by the Commission is necessary at this time. Some states expressed the Compact was developed by the USDOD to address education challenges encountered by active-duty children who move frequently based on their parents' assignments – and covers the children that need to be covered.

**Pro:** Would not require further action by the Commission. The dependents of National Guard and Reserve under Title 10 would continue to be covered under the Compact.

**Fiscal cost:** None

# Your Next Steps

1. Seek state specific National Guard and Reserve data
  - How many service members are residing in your state, under titles (5, 10, 32)?
  - How many school-aged dependents between ages 5-18?
  - Over the past year, how many families, as well as school aged dependents between ages 5-18, moved **interstate** under PCS orders?
  
2. Develop the position of your state council
  - Consult Stakeholders
  - Discuss Pros and Cons
  - Prioritize Options
  - Assess Fiscal Impact on the Commission and States

Website: <https://mic3.net/2020-annual-business-meeting/>

## Next Steps

3. Each state must submit a written report to the Commission by August 31, 2021
  - State your Council position and why
  - Provide any questions or concerns, or request clarification
  
4. The item will be included in the Docket for discussion at the 2021 Annual Business Meeting. Be prepared to discuss and vote on behalf of your state.

## For more information or assistance contact:

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