

**RULES COMMITTEE MINUTES**  
**Tuesday, February 8, 2022**

PRESENT	Mary Gable Kathleen Berg Daniel Dunham Darrell Floyd Ben Rasmussen Cindy Hunt	Maryland Commissioner Hawaii Commissioner Virginia Commissioner Designee Oklahoma Commissioner Utah Commissioner Oregon Commissioner	Chair
EXCUSED	Susan Haberstroh Davina French Phillip Cantrell	Delaware Commissioner North Dakota Commissioner West Virginia Commissioner	
STAFF	Cherise Imai Lindsey Dablow Stephanie Ramsey	Executive Director Training and Operations Associate Communications Associate	

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**ITEM 1 – CALL TO ORDER**

1. The meeting was called to order by Commissioner Mary Gable (MD) at 2:01 PM EDT.

**ITEM 2 – ROLL CALL**

2. Roll call was taken by Stephanie Ramsey, Communications Associate. A quorum was established.

**ITEM 3 – APPROVAL OF AGENDA**

3. Commissioner Designee Daniel Dunham (VA) motioned to approve the agenda as presented. The motion was seconded by Commissioner Ben Rasmussen (UT). Motion carried.

**ITEM 4 – APPROVAL OF MINUTES FROM JUNE 15, 2021**

4. Commissioner Rasmussen motioned to approve the minutes as amended. The motion was seconded by Commissioner Kathleen Berg (HI). Motion carried.

**ITEM 5 – REPORTS**

5. **Executive Committee (EXCOM)** – Commissioner Gable deferred to Executive Director (ED) Cherise Imai to provide an overview. She noted in April the EXCOM will meet in person in Lexington, KY for the first time in three years due to the pandemic. The focus of the meeting will be to conduct general business and to develop the new three-year Strategic Plan. ED Imai reported Brian Riggs, Consultant, will contact various Commissioners to obtain feedback to develop the next Strategic Plan. ED Imai reported they discussed the post Annual Business Meeting (ABM) survey results, and that feedback will also be included in the strategic planning process. The EXCOM also discussed reintroducing the Tier Groups meetings and holding those virtually this year. ED Imai stated Jenny Cogbill's Research Survey on the Commission was released.

## ITEM 6 – NEW BUSINESS

6. **FY22 Case and Inquiry Report** – Training and Operations Associate Lindsey Dablow stated most cases pertain to requests for assistance from commissioners or parents. A majority of cases are not Compact related. Ms. Dablow also pointed out that under the “Not Applicable Case Topic” most cases dealt with School Choice, which the Commission saw frequently last year. For cases that were applicable to the Compact; Placement and Enrollment had the highest percentage. In alignment with previous years, Tier One states, which are most heavily impacted, had the majority of cases.

7. Ms. Dablow highlighted a recent California Case regarding World History. This case has been ongoing since September 2021, but the National Office was not contacted until January 2022. Ms. Dablow summarized the case and noted the CA Commissioner requested legal counsel. She stated that because the Commissioner requested legal assistance, the case has been presented to the EXCOM and the Compliance Committee due to potential increase in legal fees for the Commission. EXCOM agreed to secure legal counsel to assist with the California case. Commissioner Designee Dunham had a question regarding the Inquiry Report Summary. He asked about the categorization of a case that fell under Charter School Inclusion and why that was classified as not compact related instead of compact related. Ms. Dablow responded that this specific case was regarding how the school administered their enrollment lottery but that she would move the case under compact related.

8. **Policy Review** – ED Imai presented *1-2022 Policy for COVID-19 Vaccination* for review. She explained the policy is a Council of State Governments' (CSG) policy and MIC3, as an affiliate group, would have to adhere to the policy. Commissioner Rasmussen asked if MIC3 was referred to as a federal contractor because the parent organizer accepts federal funds. ED Imai responded he was correct that CSG is a federal contractor, but MIC3 is not because MIC3 does not accept any federal funds. Commissioner Berg added that because MIC3 uses CSG's facilities, it makes them subject to this mandate. Commissioner Berg motioned to approve the policy and Commissioner Darrell Floyd (OK) seconded. Commissioner Rasmussen abstained. Motion carried.

9. **Open Records Request** – ED Imai explained the Commission has received an increase in requests for information requests pertaining to records and historical documentation. She added addressing has proven difficult and time consuming for staff. A policy would help set the parameters of what can be requested and would also set a standard timeframe for requests to be processed. ED Imai shared Kentucky's Open Records Act and requested the Committee's thoughts on proceeding with a similar structure to develop a policy to address this issue. Commissioner Berg voiced her concerns of privacy for school-aged children as Kentucky Open Records Act is very broad. Commissioner Berg asked ED Imai if she has gotten requests for records that would contain identifiable information. ED Imai answered that when asked for details on cases, the Commission always is careful to leave out details that would identify a specific child or school district.

10. ED Imai said that her biggest concern was getting requests for information that is archived and hard to obtain, even with time-consuming research. Commissioner Berg noted the Compact's archives would be hard to sort through as they are not set up to be searchable. ED Imai also stated that the policy would establish what the requestor would need to pay in fees for hard copies, as the Commission must pay for printing services and the time it takes to process

requests. ED Imai emphasized this policy would set a timeframe for the Commission to respond to a request.

11. It would also establish the intentions of the requestor whether the information is being used for research or personal use. Commissioner Floyd asked if the language of the policy protects against what format the material would be sent. ED Imai answered that the Kentucky State Police uses a form document that the Commission could use as a template. The Kentucky State Police document outlines the type of information that can be requested, a timeframe, what format, and what the information would be used for. Chair Gable asked if the National Office has looked at any Kentucky public schools records request process. ED Imai said she would research it and provide information to the Committee at their next meeting. Chair Gable said this would be useful in protecting children and their privacy. Chair Gable also added it would be good to have established parameters for requestors. Commissioner Rasmussen added that he is the public records officer for his agency and that the policy should have fees for paper copies and shipping. Commissioner Floyd stated this policy would be beneficial in protecting MIC3 and not having to accommodate every request. ED Imai said a draft policy would be presented at the next meeting.

12. **Compact Rules Review** – Chair Gable said it had been sometime since the last Compact Rules review, so the Committee has been asked to do a thorough review of the current Rules. ED Imai added that Commissioner Berg has raised concerns regarding a Hawaii case on Rule SEC 3.102 which has formatting errors. Chair Gable asked Commissioner Berg to share the case. Commissioner Berg said she was contacted by a school liaison regarding a 4-year-old child that had moved from Maine. The child did not meet the kindergarten entry age in Hawaii, which is 5 years old, by July 31. Commissioner Berg sought to reference this Rule to back up the decision for this child not being admitted to kindergarten but found a formatting error within the Rule.

13. The case also dealt with accreditation as the child had come from a school in Maine that was non-accredited. Commissioner Berg found accreditation is not defined in the Rules book, making it unclear, with state-to-state transfers, how accreditation is defined. Commissioner Berg has requested legal review regarding the definition of an “accredited school”, and how it should be applied in reference to the Compact. Commissioner Berg requested the Committee’s permission to move forward with a review by legal counsel. Chair Gable shared that she has dealt a lot with accreditation and agreed it varies vastly from state to state. She stated the definition would need to be broad so as not to create unnecessary constraint for states. Commissioner Rasmussen stated in Utah, accreditation only applies to secondary schools and the situation with kindergartens would not apply. Chair Gable called for the motion. Commissioner Rasmussen motioned to request a Legal Advisory on kindergarten accreditation. The motion was seconded by Commissioner Designee Dunham. Motion carried.

## ITEM 7 – OLD BUSINESS

14. Commissioner Floyd asked ED Imai about a recent case regarding a New York student that moved to Fort Sill in Oklahoma, and the family wanted their child to attend a small school outside the district to play basketball. The school liaison told them they can, but Commissioner Floyd told them no, that they can’t supersede Oklahoma’s athletics association regulations. The question arose would it make a difference if it was the student’s first entrance into high school. ED Imai answered that she reviewed the Oklahoma athletic rule, and it did state that if it was the first school the student attended in Oklahoma, it would be allowed but would not apply to this case since the student is already attending a school in Oklahoma.

## ITEM 8 – OTHER BUSINESS AND ANNOUNCEMENTS

15. **Feedback for the EXCOM** – Commissioner Designee Dunham shared that the MIC3 team is providing excellent service. There was a recent incident on Facebook and the National Office was quick to make Commissioner Designee Dunham aware of the situation and it was resolved quickly. Commissioner Berg also gave praise to the monthly Compact 101 courses that are being held virtually.

16. **Upcoming Webinar** – ED Imai shared the upcoming webinar for February that MIC3 is presenting will be on the Military Child Education Coalition's cloud-based student record-keeping system SchoolQuest™. The webinar will take place on February 16<sup>th</sup> at 2:00 PM EST.

17. **Follow MIC3** – Lastly, Chair Gable reminded the Committee to follow MIC3 on social media to keep up with upcoming events.

## ITEM 9 - ADJOURNMENT

18. With no further business to conduct, Commissioner Designee Dunham motioned to adjourn the meeting. Commissioner Rasmussen seconded the motion. Motion carried. Chair Gable adjourned the meeting at 2:59 PM EDT.