

**EXECUTIVE COMMITTEE MINUTES**  
**Thursday, July 21, 2022**

PRESENT	Laura Anastasio Ernise Singleton Brian Henry John "Don" Kaminar Steve Bullard Chad Delbridge Mary Gable Shelly Ramos	Connecticut Commissioner Louisiana Commissioner Missouri Commissioner Arkansas Commissioner Kentucky Commissioner Wyoming Commissioner Maryland Commissioner Texas Commissioner	Chair Vice Chair Treasure & Finance Past Chair Compliance Comm & Outreach Rules Training
EXCUSED	Cherise Imai Chuck Clymer Dianna Ganote Lori Phipps	Executive Director, MIC3 Military Representative, USDOD Military Representative, USDOD Military Representative, USDOD	Ex-Officio Ex-Officio Ex-Officio
STAFF	Lindsey Dablow Stephanie Ramsey	Training & Operations Assoc. Communications Associate	
GUEST	Darren Embry Stuart Michael Daniel Dunham Brian Riggs	General Counsel, MIC3 General Counsel, MIC3 Virginia Commissioner Designee Consultant, Riggs Enterprise	

**ITEM 1 – CALL TO ORDER**

- Chair Laura Anastasio called the meeting to order at 1:00 PM ET on Thursday, July 21, 2022.

**ITEM 2 – ROLL CALL**

- Roll call was conducted by Lindsey Dablow, Training and Operations Associate. A quorum was established.

**ITEM 3 – APPROVAL OF THE AGENDA**

- Commissioner John "Don" Kaminar (AR) motioned to approve the agenda as presented, seconded by Treasurer Brian Henry (MO). The motion carried.

**ITEM 4 – APPROVAL OF THE MINUTES**

- Commissioner Chad Delbridge (WY) motioned to approve the minutes from the June 16, 2022, meeting as presented, seconded by Commissioner Kaminar. The motion carried.

**ITEM 5 – REPORTS**

- Due to the length of the agenda and availability of General Counsel, Chair Anastasio deferred the Commission reports, time permitting, until the end of the meeting.

**ITEM 6 – OLD BUSINESS**

6. **General Counsel Update: San Diego Unified School District (SDUSD) Case, California** – Chair Anastasio asked General Counsel for an update regarding the SDUSD Case. Mr. Darren Embry relayed the parent signed a waiver produced by the school district stating the school district would recognize the credit in World History for this student but stopped short of recognizing the Interstate Compact's authority in the case. Mr. Embry noted headquarters and legal counsel were concerned this particular provision of the Compact could continue to be an issue with this school district and the state of California. However, a lawsuit could not move forward because the issue is resolved so there is no problem to address. General counsel is developing a legal summary related to the case that will outline how and what occurred, and it will layout additional guidance for next steps with the state of California.
7. Commissioner Delbridge asked if the legal summary would be provided to the full Executive Committee (EXCOM) and Mr. Embry confirmed it would. Chair Anastasio noted that she was under the impression that the family, while content with the outcome, was not pleased with the language of the waiver because it implied the student may receive an unusable diploma. Mr. Embry explained the evolution of the communications with SDUSD and how that has been addressed. Mr. Embry again clarified the school district has agreed to abide by the Compact Articles but stops short of acknowledging the Compact's authority in this case. Mr. Embry stated additional communication is needed and the state of California's Department of Education (CA ED) needs to direct the school districts in the state on the Compact and its mandate.
8. Mr. Embry recommended communicating with California's Office of the Attorney General to organize and communicate with the involved parties so cases similar to this do not occur in the future. He noted until the appropriate parties could discuss the case general counsel can only speculate on what course of action resolved this case. The Chair supported developing next steps, so this issue would not reoccur and consume Commission resources. Mr. Stuart Michael stated the legal summary would address two matters. First, a superior point of contact is needed for the CA ED. He stated that point of contact is essential when addressing issues with school districts. He noted that was not present in this case and it delayed the resolution. Second, California has a process, the Uniform Complaint Procedures, where a student or family can file a complaint against a government agency if they do not believe the government agency is following the law. This process eventually leads to the responsible state agency, in this case the CA ED, which provides an avenue for communication with the appropriate parties. He recommended utilizing the formal complaint processes, in states where it exist, because it increases engagement with the appropriate state agencies.
9. Mr. Michael informed the EXCOM that the Compliance Committee is considering strengthening several policies or developing new policies that would allow the Commission to fine member states for noncompliance. That is a larger conversation that would need to be discussed at length, but it would introduce a tool the Commission could deploy in similar situations where a member state is non-compliant. It would allow the Commission to compel a discussion without resorting immediately to litigation. A fine would also focus on the school district that is not compliant but would not target the state.
10. **Compact Statute Citation/Technical Amendment** – Mr. Embry informed the EXCOM that Mr. Michael has analyzed each member state's Compact statute and is developing a summary matrix.
11. **Rules Proposals** – Chair Anastasio informed the Members they would receive a summary from general counsel then be asked to vote on the proposed Rule regarding accreditation and the two amendments to the current Compact Rules language in *Chapter 100, SEC. 1.101* and *Chapter 600, SEC. 6.102*. If the EXCOM votes in the affirmative, then the three items will be referred to the Rules Committee for review and further action. Chair Anastasio yielded the floor to general counsel.

12. **Stop gap Rule for NGR/Compact Statute Citation** – Mr. Michael explained the Stop gap Rule for NGR/Compact Statute Citation in the EXCOM's documents is a copy of the language present in *Compact Rules, Chapter 100, SEC. 1.101 - Definitions* except the error has been corrected to identify 10 United States Code (U.S.C) "Chapter" instead of "Sections" 1209 and 1211. Amending this language correctly identifies the Chapter of U.S.C. regarding National Guard and Reserve families restoring the original intent of the Compact language and the Compact Rule. Mr. Michael informed the EXCOM the statute language in each member state would still need to be amended to reflect the correct chapter of U.S.C. but this allows the Rules to function in the way originally envisioned.

13. Commissioner Steve Bullard (KY) made a motion to approve the proposed amendment to *Compact Rule, Chapter 100, SEC. 1.101 Definitions, A. "Active Duty."* Motion was seconded simultaneously by both Commissioner Kaminar and Vice Chair Ernise Singleton (LA). Motion carried.

14. **Clarifying Accreditation** – Mr. Michael explained the proposed Rule amendment to *Chapter 300, SEC. 3.102 Application for Transfer of Student Records and Enrollment* amends subsection (b) to include paragraph (4) to define accreditation in this context as it is defined in the laws of the sending state. Mr. Michael stated the Commissioner from Hawaii asked for clarification related to the final sentence in subsection (b) of the Compact Rule and general counsel produced a legal advisory this proposed Rule would amend the current language to reflect the findings of legal advisory 1-2022 *Accreditation for K-12 Public Schools*.

15. Commissioner Bullard motioned to approve the proposed amendment to *Compact Rules, Chapter 300, SEC. 3.102, (b)(4)*. Commissioner Delbridge seconded the motion. Motion carried.

16. **Extracurricular (Ability to be informed of tryouts)** – The Chair asked general counsel to provide a summary of the proposed amendment to *Compact Rules, Chapter 600, SEC. 6.102 Eligibility for Extracurricular Participation*. Mr. Michael reviewed proposed subsection (b), (c), and (d), which provides guidance to schools or local education agencies related to the public posting of information associated with tryouts for extracurricular activities.

17. Commissioner Delbridge asked if the language "reasonable efforts" used in the proposed subsections would create ambiguity instead of clarification. Mr. Michael explained a "reasonable effort" is an established legal standard that any attorney or judge would be equipped to determine. That language will be the measure that each extracurricular case moving forward will be judged by. The current language, "facilitate the opportunity", is not a legal standard but adding the proposed subsections provides legal guidance. Mr. Embry interjected the proposed language is still subjective and allows LEAs to implement the Rule in a manner that is reasonable in their school district.

18. Chair Anastasio explained some Members on the Commission may be concerned on the level of prescriptiveness in the proposed language which you have to get to if we are going to clarify what constitutes facilitating participation. She stated it is important to find the balance between providing clarification but not pushing something on the school districts that would be impossible to enforce. Mr. Michael replied "reasonable effort" is a context specific analysis so whether a given effort is reasonable will depend on what it could have cost the school to make the effort versus the benefit it might have provided the student. That allows this Rule to adapt itself on a case-by-case basis to determine what information was necessary and what could have been provided.

19. Commissioner Mary Gable (MD) stated she did not want to take a situation that was mishandled and create something that is going to be problematic for the LEAs or school districts to implement and communicate. Mr. Embry responded the burden to notify a student must rest with the school district because the student does not know what they do not know. Commissioner Gable responded the

proposed Rule amendment would require a lot of communication from the school when a military-connected student transitions into their school district. Commissioner Gable endorsed referring the proposed amendment to the Rules Committee for review and discussion.

20. Commissioner Shelly Ramos (TX) stated the proposed language in subsection (b) “shall make reasonable efforts to allow transitioning military student to participate in any and all extracurricular activities...” could be an issue for athletic directors. She explained that providing the student the opportunity is sensible, but the proposed language could be interpreted to mean those students have to be allowed to participate. Mr. Embry requested any language that was problematic or questionable for the EXCOM then general counsel would work with the Commission on the language.

20. Commissioner Gable motioned to refer the proposed amendment to *Compact Rules, Chapter 600, SEC. 6.102 Eligibility for Extracurricular Participation* to the Rules Committee for review and discussion. Commissioner Bullard seconded the motion. Motion carried.

21. **2023 ABM in Virginia** – Chair Anastasio asked Ms. Dablow to brief the EXCOM on the 2023 ABM site visit to Virginia. Ms. Dablow presented the EXCOM with information related to local area surrounding the hotels, the facilities, and cost analysis of each proposed location. The two locations being considered for the 2023 ABM were Richmond, Virginia and Arlington, Virginia. The recommendation from Headquarters was to host the 2023 ABM in Richmond, Virginia.

22. Chair Anastasio recognized Commissioner Designee Daniel Dunham (VA) and asked him to provide the Committee with his recommendation. Commissioner Designee Dunham outlined the advantage of hosting the ABM in Richmond. His recommendation was for Richmond, Virginia. Commissioner Bullard interjected his preference was for Richmond over Arlington because it is representative of Virginia and its location to other historical sites might interest the attendees should they want to extend their stay after the ABM.

23. Vice Chair Singleton made a motion to host the 2023 ABM in Richmond, Virginia. Commissioner Bullard seconded the motion. Motion carried.

23. **Strategic Plan – Commission Sessions** – Chair Anastasio recognized Consultant Brian Riggs, Riggs Enterprise, and asked for an update on the proposed Strategic Plan for 2023. Mr. Riggs discussed the evolution of MIC3 and where the Commission is in its development cycle. He reviewed the development process for the plan and discussed feedback from Commission Members. Mr. Riggs reviewed the focus areas, purpose statements, goal statements, and identified strategies with the EXCOM.

24. Chair Anastasio asked Mr. Riggs if he wanted to share any of the feedback received from his sessions with the Commission. Mr. Riggs offered to share a summary of those sessions with EXCOM, and he noted two Commissioners expressed interest in meeting with him but due to timing and schedules were unable to meet. Mr. Riggs noted the calls that took place produced positive results and support for the direction of the draft Strategic Plan.

25. Commissioner Delbridge made a motion to accept the draft of the Strategic Plan. Vice Chair Singleton seconded the motion. Motion carried.

## ITEM 7 – NEW BUSINESS

26. **New Jersey FY2021 End-Of-Year (EOY) Report** – Chair Anastasio recognized Commissioner Bullard, as Chair of the Compliance Committee, and asked him to provide the Committee with

background related to this agenda item. Chair Bullard explained New Jersey had not fulfilled the EOY Report requirement outlined in *1-2017 State Coordination Policy* for FY2021 and 2022. He informed the EXCOM that the Compliance Committee has exhausted the actions provided in *1-2019 Resolving Compliance Issues* and voted to refer this matter to the EXCOM for further action. The recommendation was to send a letter of default to the member state and the Compact Commissioner outlining possible legal action available to the Commission should the member state fail to address this issue.

27. Commissioner Bullard made a motion to direct ED Imai to prepare a noncompliance letter to be sent to New Jersey's Compact Commissioner and New Jersey's appointing authority to inform them of the situation and possible legal action. Commissioner Henry seconded the motion. Motion carried.

21. **Registration Release – Airfare Cost Cap Increase** – Chair Anastasio yielded the floor to Ms. Dablow who explained that due to the rising cost of airfare Headquarters is requesting EXCOM approve a one-time increase to the airfare cap outlined in *1-2014 Travel Policy and Reimbursement* from \$700 to \$1,200, only for the 2022 ABM.

22. Commissioner Gable motioned to approve the one-time airfare cap increase from \$700 to \$1,200 for the 2022 ABM. Commissioner Ramos seconded the motion. Motion carried

#### ITEM 8 – ADJOURNMENT

25. Treasurer Henry motioned to adjourn the meeting. The motion was seconded by Commissioner Gable. Chair Anastasio adjourned the meeting at 2:43 PM ET.