

**RULES COMMITTEE MINUTES**  
**Tuesday, April 12, 2022**

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

**ITEM 1 – CALL TO ORDER**

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

**ITEM 2 – ROLL CALL**

2. Roll call was taken by Cherise Imai, Executive Director (ED). A quorum was established.

**ITEM 3 – APPROVAL OF AGENDA**

3. Commissioner Davina French (ND) motioned to approve the agenda as presented. The motion was seconded by Commissioner Ben Rasmussen (UT). Motion carried.

**ITEM 4 – APPROVAL OF MINUTES FROM FEBRUARY 8, 2022**

4. Commissioner Darrell Floyd (OK) motioned to approve the minutes as presented. The motion was seconded by Commissioner Rasmussen. Motion carried.

**ITEM 5 – REPORTS**

5. **Executive Committee (EXCOM)** – Chair Gable deferred to ED Imai to provide an overview of the last EXCOM meeting. She noted the EXCOM will meet for the annual Spring Retreat in person in Lexington, KY on April 19-21, 2022. The focus of the meeting will be to conduct general business and develop the new three-year Strategic Plan. ED Imai reported the Training Committee is reviewing Learning Management Systems (LMS) platforms and will decide which LMS to pursue in upcoming meetings. The Training Committee is also working on Article V training videos that will be launched at the Annual Business Meeting (ABM). The Communication and Outreach Committee has launched the Purple Up! Toolkit and ED Imai

reminded the Committee to utilize the Toolkit during Month of the Military Child. The Compliance Committee is focused on getting the state's End-of-Year reports by the June 30<sup>th</sup> deadline. ED Imai also noted that the Commission currently had no Commissioner vacancies for the first time in the Commission's history. The Leadership Nomination Committee is working on finalizing the documents for the election process and guide that will be released this summer.

## ITEM 6 – NEW BUSINESS

6. **FY22 Case and Inquiry Report** – ED Imai reported that there have been 45 cases that have come to the National Office since the start of the fiscal year in July. ED Imai stated that most cases are not Compact related. ED Imai also pointed out that under the “Not Applicable Case Topic” most cases dealt with School Choice, which the Commission saw frequently last year. The Tier One states, which are most heavily impacted, had the majority of cases. ED Imai also noted that athletic tryouts and high school classes taken in the eighth grade for high school credit have been seen frequently by the National Office in the past year.

7. ED Imai informed the Committee of two cases where legal counsel has been engaged by the EXCOM. These cases, related to extracurricular participation and high school credits earned in the eighth grade, will be discussed by the EXCOM during the Spring Retreat to decide if any further action will be taken.

8. ED Imai highlighted a recent Compact-related success case involving a sixth-grade student transferring between school districts in Oklahoma. This student wanted to participate with the sending school at the upcoming National archery tournament while also being enrolled at the receiving school. This was resolved by allowing the student to compete with the sending school if they remained enrolled in one online class with the sending school thus meeting the conditions of the National Archery in the Schools Program Rule 1.5.2.

9. Commissioner Kathleen Berg (HI) asked if School Liaisons are exempt from the state boards and application process if they want to be a part of the State Council. ED Imai answered that she had spoken to the Department of Defense Representative to the Commission, Chuck Clymer, on developing guidelines that would provide uniformity across the services regarding who can serve on the State Council.

10. **Open Records Request Draft** – The Chair recognized ED Imai to provide background to the Members on this subject. ED Imai summarized why the Commission needs an Open Records Policy stating requests for Commission records and historical documentation has increased over the years. ED Imai also noted that she was advised by legal counsel to create a policy that would define the type of information the Commission can provide. Legal counsel recommended following Kentucky's law on Open Records Request.

11. The Committee discussed the Open Records Request policy draft. Commissioner Rasmussen recommended replacing all the “should” with “shalls” for consistency. He also had a concern regarding *Section IV. Process, subsection iv. State Records* as it states that state specific data will be directed to the state's Compact Commissioner because each state may have different regulations and there is no consistency in what information each state is required to have. The Committee discussed this and agreed to change the language to: *“Request for state specific data or information may or may not be subject to open records laws. A requestor should consult the respective state's open records laws to determine how or if a request is possible.”*

12. Commissioner Hunt asked that *Section II. Applicability* be updated from “KRS Chapter 61.870” to “KRS 61.870- 61.884.” She also asked if certain records should be noted in the policy as exempt to protect privacy such as attorney client privileged information or personal information provided under the understanding it would be kept private such as employee health information, social security numbers, or email addresses.

13. Commissioner Hunt also recommended providing a cost estimate that could include an administrative fee or a fee if the National Office had to contact legal counsel in addition to the cost for paper copies. The Committee discussed and decided to include an administrative fee and a legal fee, if appropriate. Commissioner Rasmussen suggested including language that states the Commission may require the fee be paid in advanced.

14. ED Imai stated staff would take the Committee’s suggestions and edit the policy draft so it can be voted on at the next committee meeting. **(OPEN ITEM)**

15. **Compact Rules Review** – The Committee reviewed Chapters 100-400. Chair Gable suggested the third paragraph of the Introduction to explicitly include “Commissioned Corp of the National Oceanic and Atmospheric Administration and Public Health Services” instead of implying it through the current language regarding uniform services. She also asked if “Active Duty” needed to be further defined, and Commissioner Berg answered as it is Model Compact Language (MCL) it cannot be changed but that further defining “Active Duty” could provide clarity with different interpretations.

16. Commissioner Berg noted the definition of “accreditation” provided by legal counsel should be added to *Chapter 100, SEC. 1.101 Definitions*.

17. Commissioner Rasmussen asked if *Chapter 200, SEC 2.101 (a)(3)* should be deleted as “regional group of States” is not applicable. ED Imai stated it could be further defined to include “by military impaction” to clarify that this refers to Tier Groups. Commissioner Berg added the definition of Tier Group(s) should be added to the Definitions.

18. Commissioner Rasmussen asked if *Chapter 200, SEC 2.101 (l)* is legally allowable, and the Committee decided to request a ruling from legal counsel as this is not in the MCL. Chair Gable stated that under *Chapter 200, SEC 2.101, subsections (e), (f), and (g)* should be reformatted to paragraph numbers and the subsections beginning with the current *subsection (h)* would be reformatted to *subsection (e)*. ED Imai replied that the National Office would review the original red Rules Book and reformat as needed.

19. As the Committee was overtime, ED Imai suggested that she would take the other two comments Commissioner Rasmussen provided prior to the meeting to legal counsel and present that feedback at the next meeting. The Committee decided that for the next meeting they would pick up where they ended for the Rules Review and that ED Imai would present legal counsel’s opinions. The Committee tabled the Legal Advisory on Accreditation requested by the Commissioner from Hawaii for the next meeting. **(OPEN ITEM)**

## ITEM 7 - ADJOURNMENT

20. Commissioner Rasmussen motioned to adjourn the meeting. Commissioner Designee Daniel Dunham (VA) seconded the motion. Motion carried. Chair Gable adjourned the meeting at 3:05 PM ET.