



RULES COMMITTEE MINUTES
Tuesday, August 9, 2022

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

ITEM 1 – CALL TO ORDER

1. The meeting was called to order by Rules Chair, Commissioner Mary Gable (MD) at 2:02 PM ET

ITEM 2 – ROLL CALL

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

ITEM 3 – APPROVAL OF THE AGENDA

3. Commissioner Designee Dan Dunham (VA) motioned to approve the agenda as presented. The motion was seconded by Commissioner Davina French (ND). Motion carried.

ITEM 4 – APPROVAL OF THE MINUTES FROM APRIL 12 & JUNE 14, 2022

4. Commissioner Darrell Floyd (OK) motioned to approve the minutes from April 12, 2022, as presented. The motioned was seconded by Commissioner Ben Rasmussen (UT). Motion carried.
5. Commissioner Floyd motioned to approve the minutes from June 14, 2022, as presented. The motion was seconded by Commissioner French. Motion carried.

ITEM 5 – REPORTS

6. **Executive Committee (EXCOM)** – Chair Gable deferred to Training and Operations Associate, Lindsey Dablow, to give an overview of the last EXCOM meeting which met July 21st. Mrs. Dablow noted the Rules were referred to the Rules Committee and, on the agenda, (item

E) as voting items. Mrs. Dablow reported the Annual Business Meeting (ABM) registration was open and the 2023 ABM would be in Richmond, VA. The EXCOM reviewed the current webinars, noted the success of the monthly Compact 101's – both virtual and in-person. The Finance Committee reported 100% of the fiscal year 2022 dues were paid and released a Compact Funding guidance for states who need funding to support the implementation of their Compact program. Lastly, the EXCOM and General Counsel were focused on outstanding cases which require legal advisement.

ITEM 6 – NEW BUSINESS

7. **Technical Amendment an NGR Discussion** – The Committee was joined by Commission Chair Laura Anastasio (CT) who summarized a recent meeting with the U.S. Department of Defense (USDOD) State Liaison (DSLO) Office to discuss the technical amendment as well as the National Guard and Reserve (NGR) issue. In attendance were headquarters staff, Chair Anastasio, Vice Chair Ernise Singleton (LA) and Treasurer Brian Henry (MO). Chair Anastasio noted the head of the DSLO office proposed the Commission should bring together the technical amendment and the NGR issue. He suggested when addressing the technical amendment to change the Compact statute language completely and take out any reference to a legal citation instead of targeting the states with the citation. Meaning it would read “on active-duty orders.” *Chapter 100, SEC 1.101 A*. He also proposed the Rules Committee create a definition of what active duty means for MIC3.

8. Chair Anastasio noted the pros was it allows more flexibility to address the needs of children and gives the Commission power to change the rule if they see fit. A couple disadvantages was some states \already enacted legislation that includes NGR, and the process will take several years to have language every state will agree with.

9. Commissioner Floyd asked why states would be opposed. Chair Anastasio answered states that do not have already have a legislative process for technical amendments would force them to reopen the Compact as a new bill. Reopening the Compact could lead to adding language that could result in unintended consequences and take them out of Compliance with the Compact.

10. Commissioner French asked if there was a way to track NGR dependents in individual states that moved under orders. Chair Anastasio answered that the Commission has asked member states this question last year, and several states reported prior to the ABM this data was difficult to obtain on a state level. The headquarters asked the U.S. Department of Defense for data, and they presented data on dependents based on interstate moves, however no data existed for dependent transitions whose parents were under active-duty orders or other titles. In sum, The Commission was still seeking this data and if it existed. Commissioner French also pointed out that state active duty which could clash with the definition of active duty.

11. Commissioner Designee Dunham added Virginia had similar issues with defining active duty regarding NGR. He said Virginia considered adding members serving Title 32 orders or activation by the governor into the definition of active duty. Commissioner Designee Dunham added that NGR families are impacted and called on frequently.

12. Commissioner Designee Dunham asked if dues would increase if NGR was included. Chair Anastasio replied it depended on if the NGR dependent numbers are included in the statute. If the NGR dependents are covered by external statute, then dues would not be included as it is outside of the Compact statute. She also noted the incorrect definition of active

duty cited was provided by the USDOD when the Commission was formed, and the DOD Instruction is also incorrect, the DSLO will not be providing financial assistance to the Commission to correct the citation error. The Commission would utilize nearly all of the reserve to pay for it which will be costly. She added with the cost of travel, cost of the ABM, and trainings - the Commission inevitably will have dues increase.

13. Commissioner Cindy Hunt (OR) suggested MIC3 determine a specific date to annually collect data for active duty of national guard because by each state will vary. Commissioner Designee Dunham believed each state 'takes turns' on being activated on Title 10 orders.

14. **Stop Gap Rule for NGR/Compact Statue Citation** – The Committee agreed with the proposed rule by General Counsel. Commissioner Floyd motioned to approve the rule proposal as presented. The motioned was seconded by Commissioner Designee Dunham. Motion carried with all members present voting in affirmation, with Commissioner French opposed.

15. Commissioner Floyd asked if the Commission would continue to have a discussion with the NGR prior to ABM. ED Imai answered that she was meeting with National Military Family Association representative who was facilitating a meeting with the NGR. ED Imai stated headquarters was asking for data and requesting a representative to attend the ABM to answer any of the Commission's questions and provide data if it existed.

16. **Clarifying Accreditation (Kindergarten Rule)** – The second rule proposal was an addition to *Chapter 300 SEC 3.102 (4)* that further defined accreditation and clarified kindergarten enrollment. The Committee agreed it provided clarity on accreditation. Commissioner Floyd motioned to approve the rule proposal as presented. The motion was seconded by Commissioner Designee Dunham. Motion carried

17. **Extracurricular (Public posting of information)** – This rule was in addition to *Chapter 600 SEC 6.012* and added sections (b)-(d). Commissioner Designee Dunham asked if the language could be changed from public to enrolled student body. The Committee agreed the change would be appropriate. Commissioner Rasmussen asked if referring to the military child as transitioning military child might have a double meaning and suggested changing the language to eligible military child. The Committee agreed to change "transitioning" to eligible in all instances that "transitioning" is used throughout the Rules book. Commissioner Rasmussen motioned to approve the rule proposal as amended. The motioned was seconded by Commissioner Floyd. Motion carried

18. **Open Records Request Draft** – The Committee reviewed the draft and Commissioner Rasmussen asked if 5 days was standard in Kentucky. ED Imai answered it was in alignment with Kentucky law and the time frame advised by the Council of State Governments attorney. Commissioner Hunt added under the exempt records section "student records" too broad and should be specified to "personally identifiable student records". Commissioner Hunt added "employee personnel records" should be added. Commissioner Rasmussen motioned to approve the draft as amended. The motion was seconded by Commissioner French. The motion carried.

ITEM 9 – ADJOURNMENT



19. With no further business to conduct, Commissioner French motioned to adjourn the meeting. Commissioner Designee Dunham seconded the motion. Motion carried. Chair Gable adjourned the meeting at 3:03 PM ET.