

National Guard and Reserve (NGR) Legislative Toolkit

Purpose:

At the 2022 Annual Business Meeting (ABM), the Commission voted in favor of providing resources and guidance to member states who wish to enact new legislation outside the Compact to provide identical benefits to a wider population of NGR members.

Pursuant to this direction, the Commission developed this toolkit. While this guidance is specific to the NGR population, it may be modified and applied to other highly mobile populations within member states.

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Compact Background Related to the National Guard and Reserve (NGR)

The *Interstate Commission on Educational Opportunity for Military Children* (the Compact), whose administrative body is known as the Military Interstate Children's Compact Commission (MIC3), is an interstate compact that supports successful educational transitions for military-connected students. It was drafted in 2006 by the Council of State Governments' National Center for Interstate Compacts in cooperation with the U.S. Department of Defense, national associations, federal and state officials, State Departments of Education, and school administrators. Interstate compacts are contractual agreements between states, written into statute, that allow state governments to work collaboratively when addressing issues or concerns across boundaries. The Compact provides for the uniform treatment of military children transferring between public and Department of Defense Education Activity school districts and states and addresses key educational transitions issues such as: eligibility for academic programs, course enrollment, academic placement, and graduation.

While compacts are effective mechanisms for solving interstate problems without resorting to federal legislation, they are limited by the scope of their statutes. The current language of the Compact applies to the children of National Guard and Reserve (NGR) Service Members serving under Title 10 status, also referred to as active-duty orders. In 2019, MIC3's Executive Committee established the National Guard and Reserve Task Force (NGRTF), to examine whether the scope of the Compact should be expanded to include additional NGR members.

The NGRTF presented its final report to the Commission on October 2, 2020, during the 2020 Annual Business Meeting (ABM). In summary, the NGRTF recommended supporting expansion of the Compact to cover all members of the Selected Reserve but did not recommend how this could be accomplished. During the 2021 ABM, the issue was tabled until the 2022 ABM for Commissioners to consult with their respective State Councils.

General Counsel previously endorsed the adoption of stand-alone statutes in a legal memorandum on February 16, 2022, [Application of MIC3 to National Guard & Reserve Members](#), stating, “Based on current information, new state legislation enacted outside the Compact in interested member states providing identical benefits to NGR members is likely to be the most efficient way forward as this solution is scalable, legally sound, and would have a uniform impact.”

Assistance from the National Office and General Counsel

The National Office stands ready to assist member states interested in developing stand-alone statutes in their state to provide Compact-like benefits to NGR families or other highly mobile populations. It is highly recommended that states submit their draft language to the National Office for review by General Counsel to ensure the new statutory language does not conflict with their current Interstate Compact statute.

To request assistance or a review, please contact:

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General Counsel Guidance

In collaboration with the Executive Committee and National Office, General Counsel has provided the following list of “Do’s and Don’ts” that should be followed when developing external legislative language.

Do:

- Identify specific populations to be covered by the new stand-alone statute.
- Identify specific benefits to be provided to this population.
- Identify education and enforcement systems to support the provision of these new benefits; identify funding sources where additional funding will be needed.
- Review draft legislation with attorneys on your MIC3 State Council and/or legal counsel for your state’s legislative branch prior to submission to the National Office.
- After an internal state-level review, submit the proposed bill language to the National Office for vetting by General Counsel to ensure it does not conflict with the Interstate Compact statute.
- After approval by General Counsel, work with the legislative member(s) of your MIC3 State Council to identify the appropriate process for submitting bill proposals within your state legislature.
- Submit the approved bill to your state legislature and track the proposed bill as it moves through the legislative process in your state.

Don't:

- **Do not** draft language which would impose requirements on other states or federal agencies.
- **Do not** amend or open the current Compact statute in your state.
- **Do not** attempt to supersede or override the Compact statute; avoid language such as “notwithstanding any other statutes to the contrary”, or similar provisions.
- **Do not** alter statutory language after approval by General Counsel.

Adopted External Legislation**Arkansas (Adopted)**

On April 2, 2019, Arkansas ***Senate Bill 638, “Concerning the Interstate Compact on Educational Opportunity for Children of Military Families; And to Amend Aspects of the Arkansas Code with Respect to Children of Military Families Who Are Enrolled in A Public School”***, passed Arkansas’ General Assembly and was signed into law by Governor Asa Hutchinson on April 17, 2019. Referred to as Act 939, it provides Compact-like benefits to children of National Guard members, provides for advanced enrollment of students, and expands the pre-deployment activities window. Act 939 also requires school districts with at least 20 military-connected student or 3,000 students overall to appoint a Military Education Coordinator to support military-connected students in transition.

Arkansas Code was amended by adding § 6-18-107. A complete text of Act 939 can be found at <http://www.arkleg.state.ar.us/assembly/2019/2019R/Acts/Act939.pdf>