



RULES COMMITTEE MINUTES
Tuesday, June 13, 2023
2:00-3:00 PM ET

Table with 4 columns: Category (PRESENT, EXCUSED, STAFF), Name, Title, and Role. Lists participants including Mary Gable (Chair), Ben Rasmussen (Utah Commissioner), and staff members like Cherise Imai (Executive Director).

ITEM 1 – CALL TO ORDER

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

ITEM 2 – ROLL CALL

- 2. Roll call was taken by Training and Operations Associate Lindsey Dablow. A quorum was established.

ITEM 3 – WELCOME AND INTRODUCTIONS

- 3. Chair Gable recognized Oklahoma's Commissioner Darrell Floyd who would retire on June 30, 2023...
4. Chair Gable recognized General Counsel, Mr. Stuart Michael...
5. Chair Gable thanked Staff for providing support during Maryland's State Council meeting.

ITEM 4 – APPROVAL OF THE AGENDA

- 6. Commissioner Davina French (ND) motioned to approve the agenda. The motion was seconded by Commissioner Kathleen Berg (HI). Motion carried.

ITEM 5 – APPROVAL OF MINUTES

- 7. Commissioner Designee Daniel Dunham (VA) motioned to approve the minutes from April 11, 2023, as presented. The motion was seconded by Commissioner Floyd. Motion carried.

## ITEM 6 – REPORTS

8. **Executive Committee (EXCOM)** – The EXCOM met on May 18, 2023. Executive Director (ED) Cherise Imai provided an update on National Office activities including recent trainings. In May, MIC3 provided Compact training and briefed Command and leadership in Japan at Yokota Air Base, Naval Air Facility Atsugi, Army Camp Zama, and Yokosuka Naval Base. Sponsored by Colonel Andrew Roddan, Commander of the 374th Air Wing for Yokota AB, the trip included meetings with military leadership and personnel, parents, U.S. Department of Defense Education Activity (DODEA) Kanto region school administrators and counselors, and Pacific Region school liaisons.

9. Chair Gable stated the Commission recently welcomed newly appointed Commissioners for Iowa, Laura Kacer, and Vermont, Rene Sanchez. The Chair noted Arizona and Oregon were vacant.

10. Chair Gable explained the Defense State Liaison Office is preparing the Military Family and Community Policy report due for release in December 2023 which will contain findings from the Penn State study and its research on the Interstate Compact. The first phase of the Penn State study was a literature review, and the second phase will be interviews with key stakeholders and feedback received from questionnaires. Penn State selected and interviewed 11 Compact Commissioners.

11. The Chair reminded members registration information for the 2023 Annual Business Meeting (ABM) in Richmond, Virginia was disseminated to Commissioners and past attendees on Monday, June 5, 2023. The ABM will take place on November 8-9, 2023. Chair Gable informed the Committee the ABM page is available on mic3.net and noted they can contact headquarters if they need assistance or have questions.

## ITEM 7 - OLD BUSINESS

12. **FY23 Case and Inquiry Report** – Chair Gable yielded the floor to Ms. Dablow who reviewed the Case and Inquiry summary, noting 32 or 46% of the 70 cases worked by the National Office were from parent inquiries. In contrast, 15 or 21% were referred by Commissioners. In the past cases were mainly referred by Commissioners. Headquarters believes increased communication and training on the Compact has improved awareness providing a point of contact for parents when they encounter education-related transition issues.

Forty-nine or 70% of the cases were not Compact related but those requests for assistance continue to be referred to the School Liaisons or Commissioners. The main topic for non-Compact related cases was school choice. The remaining 20 cases were compact related requiring assistance with Compact Article V Course Placement and Article VII Graduation. As in previous years, Tier One States continue to receive the most inquiries.

13. **Strategic Plan** – Chair Gable reported no updates to the tasks assigned to Rules through the Strategic Plan. She noted the Committee was on track to accomplish its year-one tasks.

14. **External Legislative Toolkit** – Chair Gable reminded members during the February meeting staff was asked to prepare an external legislative toolkit that states could use to propose external legislation similar to the Compact for populations or issues not covered under the Compact statute. The Chair stated the Committee reviewed the proposed toolkit during the April meeting and provided no edits.

15. Commissioner Berg requested paragraph one (1) be edited to allow for a complete sentence at the end of the paragraph. Chair Gable agreed and suggested amending the language in the first sentence to end with “Compact. (Example...).” Members agreed with the suggested edit.

16. **Commissioner Berg made a motion to adopt the toolkit as amended. The motion was seconded by Commissioner Floyd. Motion carried.**

17. **Rule Promulgation Process** – Chair Gable reviewed the Rules Promulgation Process with the Committee. The Chair noted when the Rules Committee receives a new Rule or amendment to an existing Rule the process is for the proposed language to be reviewed by the Rules Committee. The Rules Committee can amend the proposed language then post the amended language for 30 days to allow the full Commission time to review the proposed language. During the 30-day period Commissioners or Ex-officio Representatives can submit official comments to the Rules Committee on the proposed language.

18. After 30 days, the Rules Committee would review the comments and feedback from their colleagues then determine if they want to amend the proposed language further based on the feedback, vote to pass it out of committee as is without further editing, or vote not to pass it out of committee.

19. If the Rules Committee chooses the first or second option, then the proposed rule would go to the EXCOM for a final review before it is voted on by the full commission at ABM.

20. **Proposed Rules** – Chair Gable reviewed the proposed amendment to *Compact Rule, Chapter 200, SEC. 2.101 Adoption of Rules; Amendment* which creates a deadline of February 28<sup>th</sup> for submission of new Rules or amendments to existing Rules to the Committee for consideration to allow time for the promulgation process prior to the ABM.

21. **Commissioner Berg motioned to accept the proposed amendment to SEC. 2.102 and post it for Commission comment. Commissioner Michael Rodriguez (DE) seconded the motion. Motion carried.**

22. **New Rules: SEC. 7.105 Conduct of Commissioners** – Chair Gable noted the robust conversation among members during the April committee meeting. The Chair yielded the floor to General Counsel Stuart Michael who provided additional information on the feedback and comments submitted from Committee members. Mr. Michael noted General Counsel’s recommendation to translate current policy *2-2017 Code of Conduct* and *2-2019 Conflict of Interest* into a Rule was to provide a foundation for understanding among the Commission regarding behavior and self-reporting and to provide an enforcement mechanism for the Code of Conduct and Conflict of Interest should a Commissioner violate either. He noted retaining the current policies creates a basis of understanding but not authority and if a Commissioner has a conflict of interest the Commission has no tools to address it.

23. Mr. Michael noted the Commission can self-govern and determine how it will conduct itself. He added the Commission’s policy development process is unilateral but creating a Rule is transparent and democratic providing the entire Commission time to review and speak on a proposed Rule or amendment.

24. Commissioner Berg provided background on the Rules process and the development of Commission Rules. She stated the proposed Rule focused on the Commissioner instead of the state and its implementation of the Compact. Commissioner Berg stated, in her opinion, it overreached the authority of the Compact statute.

25. Commissioner French agreed with Commissioner Berg. She said the Commission is spending a lot of time on enforcement instead of connecting and building relationships. Commissioner French asked if there were problems with Commissioner's conduct or conflict of interest violations. She noted she is trusted by the Governor of North Dakota, and she hoped he would trust the other appointed members. Commissioner French stated there is no process for enforcement and until that can be determined a letter or contact from leadership is policing the members.

26. Commissioner Designee Dunham stated he also agreed with Commissioner Berg. He noted Commission leadership, and the Executive Director should be able to take action against anyone they believe has exhibited misconduct, but he did not think the language should be moved from policy into a Rule.

27. Chair Gable reminded the Committee of the role of policies versus rules. She noted all members are appointed and acknowledged everyone's goal was to conduct themselves ethically.

28. Commissioner Rodriguez and Commissioner Floyd agreed with the comments made by their colleagues.

29. Mr. Michael clarified proposed SEC. 7.105 contained no enforcement language, instead it outlined a standard for behavior and conduct of the Commissioners and Ex-officio Representatives. He noted there were no penalties outlined in the proposed language. Mr. Michael explained the Commission is both a legal entity, through cooperation of all its members, and a political entity, because it is made up of equal sovereigns. He noted retaining the current Code of Conduct and Conflict of Interest policies format would mean violations of those policies would be dealt with through a political process because the legal process is not available for policies.

30. ED Imai stated Commissioner conduct has been an issue before to varying degrees. ED Imai explained the Commission may not be aware of the issues because leadership chose to quietly handle those cases behind the scenes. She stated the policy format allows for that, but she questioned the impact of a policy if it is a case of physical or sexual harassment. The enforcement would be transparent and stronger for a Rule. ED Imai noted the importance of professional conduct when interacting and speaking with one another. She stated staff would continue to conduct themselves in a professional manner whether in policy or a Rule, but it was important for all parties to agree and conduct themselves accordingly.

31. Chair Gable explained proposed SEC 7.105 outlines appropriate behavior and conduct. She acknowledged the Committee member's comments related to enforcement but clarified the decision before the Committee was whether the proposed Rule should be released to the full Commission for review and comment.

32. **Commissioner Floyd motioned to take no action on proposed Rule SEC. 7.105. Commissioner French seconded the motion. Motion carried.**

33. **New Rule: SEC. 7.106 Escalation and Reporting of Disputes** – Chair Gable stated no comments or feedback were submitted from the Committee members prior to the meeting. The members made no additional questions or comments during the meeting.

34. **Commissioner Berg motioned to post the proposed Rule SEC. 7.106 for Commission comment. The motion was seconded by Commissioner Designee Dunham. Motion carried.**

35. **New Rule: SEC. 8.101 Coordination Between States and Commission** – Chair Gable stated no comments or feedback were submitted from members prior to the meeting. Commissioner

French asked at what point can the EXCOM or staff contact the appointing authority without contacting the Commissioner. Mr. Michael stated proposed SEC. 8.101 outlined the role and responsibilities of the member state and its appointed representative when filling Commissioner vacancies and reporting requirements. He noted leadership has the power to contact the appointing authority especially when it affects the state's ability to implement the Compact. Commissioner French asked if leadership or staff can contact the appointing authority to confirm who the appointed representative is for the state. ED Imai responded the National Office does not contact the appointing authority to confirm appointments once an appointment letter has been received unless the current Commissioner has a sunset date in the appointment letter and requests assistance from headquarters.

36. **Commissioner Berg motioned to post the proposed Rule SEC. 8.101 for Commission comment. The motion was seconded by Commissioner Ann Pettit (SD). Motion carried.**

#### **ITEM 8 – NEW BUSINESS**

37. **Amended Rule: SEC. 2.102 Data Collection and Reporting** – Chair Gable explained the amendment to *Compact Rule, Chapter 200, SEC. 2.102* was not reviewed by the Committee during the previous meeting. This Rule requires member states to submit data annually regarding the transfer and enrollment of students who transfer from one State LEA to another State LEA under this compact. Currently, the Commission is not in compliance with Rule SEC. 2.102 Data Collection and Reporting. The proposed amendment would delete the annual reporting requirement and allow the Commission to determine what data is collected and how it is reported but it would not create a mandate, like the current Rule, that the member states are unable to satisfy. Commissioner Berg provided comments related to the Military Student Identifier and the Commission's ability to collect data.

38. **Commissioner Berg motioned to post the proposed amendment to SEC. 2.102 for Commission comment. The motion was seconded by Commissioner Designee Dunham. Motion carried.**

#### **ITEM 9 – OTHER BUSINESS AND ANNOUNCEMENTS**

39. **Feedback for the EXCOM** – No comments or feedback was provided for the EXCOM.

40. **Compact 101 Training: June 21, 2023, 4:00 PM ET** – Chair Gable informed the members of upcoming Compact 101 Training sessions.

41. **Commission Annual Deadlines** – Chair Gable reviewed the Commission's annual deadlines with the Committee.

#### **ITEM 10 – ADJOURNMENT**

42. **Commissioner French motioned to adjourn the meeting. Motion was seconded by Commissioner Rodriguez. Motion carried.** Meeting adjourned at 3:23 PM ET.