

	<p><b>Number:</b> <b>1-2023</b></p>
<p><b>Advisory Opinion issued by:</b> Cherise Imai, Executive Director Darren Embry, General Counsel</p>	<p><b>Dated:</b> May 23, 2023 <b>Approved:</b> July 20, 2023</p>
<p><b>Requestor: State of Connecticut</b></p>	
<p><b>Description:</b> Does the Compact apply to schools operated by a sovereign tribal nation and/or reservation land schools?</p>	

**I. Background**

Pursuant to Article X, Section C. of the Interstate Compact on Educational Opportunity for Military Children (hereinafter ‘Compact’) the State of Connecticut has submitted a request for an advisory opinion concerning clarification of an issue pertaining to the Compact.

**II. Issue**

The Commissioner from Connecticut has requested guidance from the Military Interstate Children’s Compact Commission concerning the applicability of the Compact to schools operated by sovereign tribal nations.

**III. Applicable Compact Provisions or Rules**

Article II. O. of the Compact provides as follows:

*“I. ‘Member state’ means: a state that has enacted this compact.*

...

*O.’ State’ means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory.”*

**IV. Review and Analysis**

The Compact, like all interstate compacts, can be applied only in member states where it is adopted through a compact statute. Under the general principles of self-determination, no sovereign government is subject to the laws or rules of another sovereign except where one government may agree to subject itself to another government’s jurisdiction. Without such an agreement a government’s authority extends to its own borders, and no further.

Sovereign tribal nations located within the borders of the United States are independent sovereign entities which are not inherently subject to the authority of any other government. The relationship between these independent sovereigns and the various

governments of the United States is established through a complex system of treaties, executive orders, and inter-governmental agreements. Furthermore, any legal analysis regarding the application of a United States law to sovereign tribal nations must be conducted on a case-by-case basis, as each tribal nation is independent from another.

Ultimately, the scope of the Compact is limited to the “member states”, where a “state” is further defined as a state or territory of the United States. Sovereign tribal nations are neither states nor territories of the United States; as such, they cannot qualify as “member states” under the current model language of the Compact.

Currently, no sovereign tribal nation has agreed to be subject to the Compact; therefore, the Compact may not be enforced against any such nation. Moreover, while it is beyond the scope of this advisory, it is unlikely that it would be legally possible for such an agreement to be made. Any endeavor to create an agreement between the Commission and a sovereign tribal nation should be subject to a thorough and careful legal review based on its specific facts and circumstances.

**V. Conclusion**

In summary, based on the relevant provisions of the Compact, referenced authorities and analysis, the Compact does not apply to schools operated by a sovereign tribal nation.