



COMPLIANCE COMMITTEE MINUTES
Tuesday, March 14, 2023

Table with 4 columns: Category (PRESENT, EXCUSED, STAFF), Name, Title, and Role (Chair, Ex-Officio). Lists members like Steven Bullard, Daron Korte, Peter Laing, etc.

ITEM 1 – CALL TO ORDER

- 1. The meeting was called to order at 2:01 PM ET by Compliance Chair Steven Bullard (KY).

ITEM 2 – ROLL CALL

- 2. Training and Operations Associate Lindsey Dablow conducted roll call and a quorum was established.

ITEM 3 – APPROVAL OF THE AGENDA

- 3. Commissioner John “Don” Kaminar (AR) motioned to approve the agenda as amended. The motion was seconded by Commissioner Shelley Joan Weiss (WI). Motion carried.

ITEM 4 – APPROVAL OF THE MINUTES

- 4. Commissioner Weiss motioned to approve the minutes from January 10, 2023 as presented. The motion was seconded by Commissioner Khiem Jackson (CA). Motion carried.

ITEM 5 – WELCOME AND INTRODUCTIONS

- 5. Chair Bullard welcomed Committee Members.

ITEM 6 – REPORTS

- 6. Executive Committee (EXCOM) - Chair Bullard reported the EXCOM met on Thursday, February 16, 2023, Executive Director (ED) Cherise Imai updated EXCOM on the Defense State Liaison Office (DSLO) initiative to update the definition of “military” or “armed forces” in every state’s statutes to include Space Force. The Commission has a legal advisory stating, as a division of the Air Force, Space Force is included in the Compact statute. Unfortunately, the language of the DSLO’s

proposed legislation does not differentiate the Compact statute from other statutes so headquarters and leadership are working with the newly appointed Director of the DSLO to educate on the Commission's process for amending the Compact statute and determine a way forward.

7. The Chair reminded Members the National Guard and Reserve Legislative Toolkit was distributed to Commissioners through the Commission's newsletter on January 20, 2023. It is also available on the National Guard and Reserve page on mic3.net.

8. Chair Bullard stated ED Imai informed the EXCOM of House Bill (HB) 1929 in the Virginia Legislature. HB 1929 is a proposed external statute referencing Virginia's Compact statute that seeks to extend the protections of the Compact to members of foreign services and civilian employees. However, the Compact statute specifically states federal civilian employees cannot be covered by the Compact. General Counsel and headquarters are working with Virginia's General Assembly Legal Counsel and Department of Education (DOE) representatives to address the issue.

## **ITEM 7 – OLD BUSINESS**

9. **Citation Correction** – Chair Bullard stated Connecticut, Delaware, District of Columbia, Washington, Wisconsin, Alabama, Kentucky, Nevada, Maine, and Wyoming have submitted the Compact Citation correction to their legislature or were working with a representative from their respective legislatures to correct the citation in their state's Compact statute. The remaining states are either in discussion with their state councils to determine a way forward or they are a Priority two (2) or three (3) state and will not address the citation correction until next year.

10. NMFA Ex-officio Representative Caitlin Hamon asked if the remaining member states have initiated or expressed their intent to correct the Compact citation in their state statute. Chair Bullard responded that not every state has expressed their intent to correct the citation, but it is the intention of the Commission to work with all 50+1 to do so.

11. **State Council Meetings** – Chair Bullard informed the Committee all fifty states, and the District of Columbia were on track to hold a state council meeting before the end of FY23. The Chair noted Illinois, Idaho, Iowa, and Alaska had Commissioner vacancies. The Committee will monitor those states as the end of the fiscal year approaches. Headquarters sent a written request to the appointing authority of the four states with Commissioner vacancies asking the vacant positions be filled prior to April 17, 2023.

12. **Code of Conduct (CoC) and Conflict of Interest (Col) Reporting** – Chair Bullard stated 50 member states and the five ex-officio representatives had submitted their CoC and Col forms. Vermont is the only state that had not. The deadline to submit the forms was January 31, 2023. Along with the notices and reminders distributed to the full Commission, requests from headquarters to complete the form were sent to Vermont on February 14, 2023 and March 6, 2023.

13. **Commissioner Kaminar motioned to elevate Vermont to a Level 3 under 1-2019 Resolving Compliance Issues requesting the Compliance Chair contact the Commissioner and request he complete the CoC and Col form. Motion was seconded by Commissioner Weiss. Motion Carried.**

14. **Review of Current Compliance Policies** – Chair Bullard explained headquarters developed the MIC3 Policy Guide which compiles all Commission policies into one document with a linked table of contents. It was provided to the Members as a link in the meeting agenda. Chair Bullard yielded the floor to General Counsel Stuart Michael to explain the Review and Analysis of MIC3 Policy Guide.

15. Mr. Michael noted the Commission's policies are put into place through the EXCOM and as such the policies can only go so far as the EXCOM's power outlined in the Compact statute. He noted the Executive, Compliance, and Rules Committees are reviewing this memo as part of the Commission's current Strategic Plan and recommendations could come from any of those committees. Mr. Michael explained if the Commission, acting through the Compliance Committee needs to move forward with enforcement of a policy then the authority to do so must be grounded in the statute language or a Commission Rule. Policies established by the EXCOM are to guide the internal conduct of the Commission. Mr. Michael stated the CoC and Col policies are a good case study. The current policy outlines the timeline by which the CoC and Col forms are to be submitted but if a Member fails to submit the forms or abide by the timeline the enforcement of the policy must be grounded in statute language or a rule.

16. Mr. Michael stated general counsel recommended a new Rule developed based on policy *1-2017 State Coordination*. He noted this policy imposes requirements on the member states and requires compliance therefore it needs to be grounded in the Rules because every member state has consented to be subject to the Commission's rule-making authority.

17. Mr. Michael directed the Members to policy *1-2019 Resolving Compliance Issues* and noted the Compliance Committee's commitment to this process. General Counsel recommended a Rule be developed that would act in tandem with the policy to ensure Commissioners involved in compliance or enforcement matters are provided the opportunity to attend the Compliance or EXCOM meeting to discuss the Compliance concerns.

18. Chair Bullard requested the Compliance Committee consider recommending the EXCOM refer *1-2017 State Coordination* and *2-2017 Code of Conduct* policy to the Rules Committee for consideration.

19. Commissioner Jackson asked for clarification on *1-2019 Resolving Compliance Issues*. He supported notifying the Commissioner when a state is out of compliance. Commissioner Jackson questioned for clarification related to when a state council and the EXCOM do not agree with a school district's application of the Compact how the Commission reconciles that and the timelines the Commission follows for compliance issues. Commissioner Jackson asked what happens when a state council's timeline differs from the EXCOM's timeline for resolution of a compliance issue. Mr. Michael responded that various factors dictate the timeline for resolution of compliance issues. He explained each member state is responsible for the school districts within their state and the state council's role in coordinating with the state's DOE to resolve those cases and ensure compliance with the Compact. Case in point, for California the state council had difficulty engaging with the California DOE. Mr. Michael provided the Committee with an example of a general student-related compliance issue and its elevation under the Commission's current practice. He noted the member state joined the Compact and the whole state agreed to be subject to the requirements of the Compact and that makes the state responsible to ensure compliance with the Compact.

20. Commissioner Jackson stated if a state has a resolution process outside the Compact then it should be allowed to exhaust those internal processes. Mr. Michael agreed and noted had the parties involved been aware of the DOE resolution process in place in California then it could have been smoother for the family in the case Commissioner Jackson referred to, but time was also a factor in that case since the student was a senior and had to meet academic requirements to graduate on time.

21. Commissioner Weiss stated the Commission's case resolution process was simplistic and additional factors may need to be considered before adopting a process. Commissioner Weiss did

support the addition of timelines for resolution of compliance related issues. Mr. Michael responded timelines could be considered and recommended to the EXCOM. He cautioned the Committee noting timelines can be useful, but he recommended there be variance due to the uniqueness of each student-related case and the factors involved in resolving those cases.

22. Commissioner Jackson asked for clarification on policy *3-2017 Accessing General Counsel* noting General Counsel works for the Commission but not the Commissioner. He provided details on a student case to the members noting litigation was part of the case resolution process. Mr. Michael explained the role of the Commissioner and general counsel's ability to interact with Commissioners. He noted policy 3-2107 is in place to establish communication and collaboration while considering the cost associated with engaging general counsel on behalf of the Commission.

23. **Commissioner Jackson made a motion to table agenda item VII. Old Business, D. Legal Review of Commission Policies Memo and VIII. New Business, A. until the May 2023 Compliance Committee meeting. Motion was seconded by Commissioner Kaminar.**

#### **ITEM 8 – NEW BUSINESS**

24. **Goal #1 SP: Review of Commission Toolkits** – Chair Bullard noted this agenda item is from the previous Compliance meeting in response to Goal 1, Strategy 2 of the Strategic Plan. The Chair asked Members to review the attached toolkits prior to the May meeting of the Committee and provide feedback to Ms. Dablow.

25. **Goal #2 SP: Ensure organization alignment to bylaws, rules and policies; examine compliance/case resolution processes and data collection, does this reflect state progress, clearly communicate roles responsibilities, and expectations to member states** – Chair Bullard explained under Goal 2 of the Strategic Plan, the Commission is seeking feedback on data it could collect to support the programs and services of the Commission. Chair Bullard stated this topic would be on the agenda of future Compliance Committee meetings for discussion.

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

26. **Items for the Executive Committee (EXCOM)** – There being no feedback from the Members Chair Bullard moved to the next agenda item.

27. **March Compact 101 Virtual Training** – Chair Bullard updated the Committee on the monthly Compact 101 virtual trainings and noted the date and time of the March 14, 2023 training.

28. **Webinar Tutor.com** – Chair Bullard informed the Members of upcoming webinars including Tutor.com on March 15, 2023 at 2:00 PM ET.

29. **Follow MIC3 on Facebook, Twitter, Instagram and Tik Tok** - Chair Bullard recommended Members follow MIC3 on social media and tag the Commission in upcoming post especially during Month of the Military Child.

#### **ITEM 9 – ADJOURNMENT**

30. With no further business to conduct, Chair Bullard adjourned the meeting at 2:55 PM ET.