

External State Statute 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. (Example: *recognize high school credits taken in Eighth Grade by military-connected students*).

Pursuant to this direction, the Commission developed this toolkit. This guidance is not specific and can be applied to various topics and other highly mobile populations within member states.

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Compact Background

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 transition 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.

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 address state-specific issues, i.e. virtual school, Foreign Service Members, DoD Civilian Dependents, 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 Counsel 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 students 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>.

UPDATE: In 2021, Arkansas' legislature repealed the previous legislation adopted in 2019 (Act 939), making the previous link in the toolkit to Arkansas' statute obsolete. The language adopted in 2021 is [The Arkansas Military Child School Transitions Act \(Act 1031 of 2021\)](#) and can be accessed via the link provided.