



MILITARY INTERSTATE
CHILDREN'S COMPACT
COMMISSION

RULES COMMITTEE MINUTES

FISCAL YEAR 2023

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RULES COMMITTEE MINUTES
Tuesday, August 9, 2022

PRESENT	Mary Gable Daniel Dunham Darrell Floyd Ben Rasmussen Cindy Hunt Clara Botstein Susan Haberstroh Davina French	Maryland Commissioner Virginia Commissioner Designee Oklahoma Commissioner Utah Commissioner Oregon Commissioner District of Columbia Commissioner Delaware Commissioner North Dakota Commissioner	Chair
EXCUSED	Phillip Cantrell Kathleen Berg Clara Botstein	West Virginia Commissioner Hawaii Commissioner District of Columbia Commissioner	
STAFF	Cherise Imai Lindsey Dablow Stephanie Ramsey	Executive Director Training and Operations Associate Communications Associate	

ITEM 1 – CALL TO ORDER

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

ITEM 2 – ROLL CALL

2. Roll call was conducted by Stephanie Ramsey, Communications Associate. A quorum was established.

ITEM 3 – APPROVAL OF THE AGENDA

3. Commissioner Designee Dan Dunham (VA) motioned to approve the agenda as presented. The motion was seconded by Commissioner Davina French (ND). Motion carried.

ITEM 4 – APPROVAL OF THE MINUTES FROM APRIL 12 & JUNE 14, 2022

4. Commissioner Darrell Floyd (OK) motioned to approve the minutes from April 12, 2022, as presented. The motioned was seconded by Commissioner Ben Rasmussen (UT). Motion carried.

5. Commissioner Floyd motioned to approve the minutes from June 14, 2022, as presented. The motion was seconded by Commissioner French. Motion carried.

ITEM 5 – REPORTS

6. **Executive Committee (EXCOM)** – Chair Gable deferred to Training and Operations Associate, Lindsey Dablow, to give an overview of the last EXCOM meeting which met July 21st. Mrs. Dablow noted the Rules were referred to the Rules Committee and, on the agenda, (item

E) as voting items. Mrs. Dablow reported the Annual Business Meeting (ABM) registration was open and the 2023 ABM would be in Richmond, VA. The EXCOM reviewed the current webinars, noted the success of the monthly Compact 101's – both virtual and in-person. The Finance Committee reported 100% of the fiscal year 2022 dues were paid and released a Compact Funding guidance for states who need funding to support the implementation of their Compact program. Lastly, the EXCOM and General Counsel were focused on outstanding cases which require legal advisement.

ITEM 6 – NEW BUSINESS

7. **Technical Amendment an NGR Discussion** – The Committee was joined by Commission Chair Laura Anastasio (CT) who summarized a recent meeting with the U.S. Department of Defense (USDOD) State Liaison (DSLO) Office to discuss the technical amendment as well as the National Guard and Reserve (NGR) issue. In attendance were headquarters staff, Chair Anastasio, Vice Chair Ernise Singleton (LA) and Treasurer Brian Henry (MO). Chair Anastasio noted the head of the DSLO office proposed the Commission should bring together the technical amendment and the NGR issue. He suggested when addressing the technical amendment to change the Compact statute language completely and take out any reference to a legal citation instead of targeting the states with the citation. Meaning it would read “on active-duty orders.” *Chapter 100, SEC 1.101 A*. He also proposed the Rules Committee create a definition of what active duty means for MIC3.

8. Chair Anastasio noted the pros was it allows more flexibility to address the needs of children and gives the Commission power to change the rule if they see fit. A couple disadvantages was some states \already enacted legislation that includes NGR, and the process will take several years to have language every state will agree with.

9. Commissioner Floyd asked why states would be opposed. Chair Anastasio answered states that do not have already have a legislative process for technical amendments would force them to reopen the Compact as a new bill. Reopening the Compact could lead to adding language that could result in unintended consequences and take them out of Compliance with the Compact.

10. Commissioner French asked if there was a way to track NGR dependents in individual states that moved under orders. Chair Anastasio answered that the Commission has asked member states this question last year, and several states reported prior to the ABM this data was difficult to obtain on a state level. The headquarters asked the U.S. Department of Defense for data, and they presented data on dependents based on interstate moves, however no data existed for dependent transitions whose parents were under active-duty orders or other titles. In sum, The Commission was still seeking this data and if it existed. Commissioner French also pointed out that state active duty which could clash with the definition of active duty.

11. Commissioner Designee Dunham added Virginia had similar issues with defining active duty regarding NGR. He said Virginia considered adding members serving Title 32 orders or activation by the governor into the definition of active duty. Commissioner Designee Dunham added that NGR families are impacted and called on frequently.

12. Commissioner Designee Dunham asked if dues would increase if NGR was included. Chair Anastasio replied it depended on if the NGR dependent numbers are included in the statute. If the NGR dependents are covered by external statute, then dues would not be included as it is outside of the Compact statute. She also noted the incorrect definition of active

duty cited was provided by the USDOD when the Commission was formed, and the DOD Instruction is also incorrect, the DSLO will not be providing financial assistance to the Commission to correct the citation error. The Commission would utilize nearly all of the reserve to pay for it which will be costly. She added with the cost of travel, cost of the ABM, and trainings - the Commission inevitably will have dues increase.

13. Commissioner Cindy Hunt (OR) suggested MIC3 determine a specific date to annually collect data for active duty of national guard because by each state will vary. Commissioner Designee Dunham believed each state 'takes turns' on being activated on Title 10 orders.

14. **Stop Gap Rule for NGR/Compact Statue Citation** – The Committee agreed with the proposed rule by General Counsel. Commissioner Floyd motioned to approve the rule proposal as presented. The motioned was seconded by Commissioner Designee Dunham. Motion carried with all members present voting in affirmation, with Commissioner French opposed.

15. Commissioner Floyd asked if the Commission would continue to have a discussion with the NGR prior to ABM. ED Imai answered that she was meeting with National Military Family Association representative who was facilitating a meeting with the NGR. ED Imai stated headquarters was asking for data and requesting a representative to attend the ABM to answer any of the Commission's questions and provide data if it existed.

16. **Clarifying Accreditation (Kindergarten Rule)** – The second rule proposal was an addition to *Chapter 300 SEC 3.102 (4)* that further defined accreditation and clarified kindergarten enrollment. The Committee agreed it provided clarity on accreditation. Commissioner Floyd motioned to approve the rule proposal as presented. The motion was seconded by Commissioner Designee Dunham. Motion carried

17. **Extracurricular (Public posting of information)** – This rule was in addition to *Chapter 600 SEC 6.012* and added sections (b)-(d). Commissioner Designee Dunham asked if the language could be changed from public to enrolled student body. The Committee agreed the change would be appropriate. Commissioner Rasmussen asked if referring to the military child as transitioning military child might have a double meaning and suggested changing the language to eligible military child. The Committee agreed to change "transitioning" to eligible in all instances that "transitioning" is used throughout the Rules book. Commissioner Rasmussen motioned to approve the rule proposal as amended. The motioned was seconded by Commissioner Floyd. Motion carried

18. **Open Records Request Draft** – The Committee reviewed the draft and Commissioner Rasmussen asked if 5 days was standard in Kentucky. ED Imai answered it was in alignment with Kentucky law and the time frame advised by the Council of State Governments attorney. Commissioner Hunt added under the exempt records section "student records" too broad and should be specified to "personally identifiable student records". Commissioner Hunt added "employee personnel records" should be added. Commissioner Rasmussen motioned to approve the draft as amended. The motion was seconded by Commissioner French. The motion carried.

ITEM 9 – ADJOURNMENT

19. With no further business to conduct, Commissioner French motioned to adjourn the meeting. Commissioner Designee Dunham seconded the motion. Motion carried. Chair Gable adjourned the meeting at 3:03 PM ET.

RULES COMMITTEE MINUTES
Tuesday, August 16, 2022
1:30 – 2:20 PM ET

PRESENT	Mary Gable Kathleen Berg Daniel Dunham Darrell Floyd Cindy Hunt Ben Rasmussen Susan Haberstroh Davina French	Maryland Commissioner Hawaii Commissioner Virginia Commissioner Designee Oklahoma Commissioner Oregon Commissioner Utah Commissioner Delaware Commissioner North Dakota Commissioner	Chair
EXCUSED	Clara Botstein Philip Cantrell	District of Columbia Commissioner West Virginia Commissioner	
STAFF	Cherise Imai Lindsey Dablow Stephanie Ramsey	Executive Director Training and Operations Associate Communications Associate	

ITEM 1 – CALL TO ORDER

1. The meeting was called to order by Chair Mary Gable (MD) at 1:33 PM ET.

ITEM 2 – ROLL CALL

2. Roll call was taken by Communications Associate Stephanie Ramsey. A quorum was established.

ITEM 3 – APPROVAL OF AGENDA

3. Commissioner Kathleen Berg (HI) motioned to approve the agenda as presented. The motion was seconded by Commissioner Ben Rasmussen (UT). Motion carried.

ITEM 4 – NEW BUSINESS

4. **Compact Rules Review** - The Committee started with the introduction. Commissioner Rasmussen had a question on the technical change of “may” to “shall.” The Committee discussed and decided to keep the original language of “may.”
5. The Committee reviewed *Chapter 100 Definitions*. Chair Gable noted the additions of “Accreditation” and “School Board.” With no additional feedback the Committee reviewed Chapter 200.
6. On *Chapter 200, SEC. 2.101 (a) (3)* Ms. Ramsey informed the Committee of general counsel’s recommendation regarding “regional group” to leave the original language and not change the term. The Committee agreed with general counsel’s recommendation.
7. *Chapter 200, SEC. 2.102 (a)* the Committee reviewed the addition of language given from counsel on reports. The Committee determined it would be best to leave the additional language out

and address this in the upcoming fiscal year. Executive Director (ED) Imai suggested the section on data collection and reporting be discussed in Tier Groups at the Annual Business Meeting. This would provide the Committee with feedback from the full Commission to focus on for the next year. Commissioner Berg also had a technical correction to change “a” to “an” in front of LEA and it was noted to thoroughly review the Rulebook to correct any other misuse.

8. In *Chapter 300*, Commissioner Berg noted adding “receiving” in front of “school board” *SEC. 3.102 (b) (2)* for clarity. The Committee discussed and agreed with Commissioner Berg’s recommendation.

9. In Chapter 400, Commissioner Berg pointed out in *SEC. 4.102 (a)* there needed to be an additional semi-colon. ED Imai noted the change on *SEC. 4.102 (a)* from *Article VII* to *SEC.*

10. There being no edits in Chapter 500, the Committee reviewed Chapter 600. Commissioner Rasmussen suggested *Chapter 600, SEC. 6.101 (a) (3)* changing “the LEA” to “an LEA” for consistency purposes. The Committee agreed.

11. As there were no additional edits to the Compact Rulebook, ED Imai informed the Committee that after the Executive Committee (EXCOM) and the Commission approved the Rules amendments and edits the previous amendments listed in the introduction would be moved to the end of the book. She also noted headquarters will be reformatting the book and reducing the font size. She reminded the Committee this review is the first step of the Rules change process; after the Committee votes on the changes, it will be passed on to the EXCOM for approval and then on to the full Commission.

12. Commissioner Rasmussen motioned to approve the edits and amendments to the Rulebook and for it to be passed on to the EXCOM. Chair Gable seconded. Motion passed. Chair Gable praised the Committee and headquarters for their hard work on the edits for the Rulebook.

13. **FY23 Case and Inquiry Report** - Ms. Ramsey presented the Case and Inquiry report and noted from the start of the fiscal year in July headquarters has received three (3) cases. She added the cases have all been from Tier 1 states. ED Imai provided an update on the two cases general counsel has been working. In the California case regarding World History, the receiving school would not count the course for graduation credit because the sequencing of the course differed from the California curriculum – even though the course was counted in two different districts prior to the student attending the current school. After a default letter was sent to the school by general counsel, the receiving school agreed the student would not need to take the course if the parent signed a waiver to not hold the school liable.

14. In the Kentucky case, general counsel investigated the claim that the student was not provided notification of the sport tryouts. They determined the school had made the student aware of the tryout schedule even though it was not publicly published. To clarify this rule, the Kentucky Commissioner proposed a Rules amendment to Chapter 600. *SEC. 6.102* to provide schools with additional guidance associated with public posting of information related to extracurricular activities. ED Imai noted the budget for legal fees has been higher than expected for Fiscal Year 2022 due to the two cases and the Rulebook review.

ITEM 5 – OTHER BUSINESS AND ANNOUNCEMENTS

15. **Feedback for the EXCOM** – The Committee recommended the EXCOM consider adding the topic of data collection and reporting to the Tier Groups agenda at the Annual Business Meeting (ABM).

16. **ABM Registration** – ED Imai reminded the Committee to register for ABM, and review the ABM Travel and Reimbursement webinar.

17. **Tier Group Meetings on Technical Amendment and NGR** – ED Imai reminded members to attend their upcoming meeting in preparation for the ABM discussion and decision-making. She noted the meeting recording would be released in the event a member was not able to attend.

ITEM 6 - ADJOURNMENT

18. With no further business to conduct, Commissioner Berg motioned to adjourn the meeting. Commissioner Davina French (ND) seconded the motion. Motion carried. The meeting was adjourned at 2:33 PM ET.

RULES COMMITTEE MINUTES
Tuesday, September 6, 2022
2:00 – 3:00 PM ET

PRESENT	Mary Gable Kathleen Berg Daniel Dunham Darrell Floyd Ben Rasmussen Davina French	Maryland Commissioner Hawaii Commissioner Virginia Commissioner Designee Oklahoma Commissioner Utah Commissioner North Dakota Commissioner	Chair
EXCUSED	Clara Botstein Philip Cantrell Cindy Hunt	District of Columbia Commissioner West Virginia Commissioner Oregon Commissioner	
STAFF	Cherise Imai Lindsey Dablow Stephanie Ramsey	Executive Director Training and Operations Associate Communications Associate	

ITEM 1 – CALL TO ORDER

1. The meeting was called to order by Chair Mary Gable (MD) at 2:03 PM ET.

ITEM 2 – ROLL CALL

2. Roll call was taken by Communications Associate Stephanie Ramsey. A quorum was established.

ITEM 3 – APPROVAL OF AGENDA

3. Commissioner Designee Daniel Dunham (VA) motioned to approve the agenda as presented. The motion was seconded by Commissioner Darrell Floyd (OK). Motion carried.

ITEM 4 – APPROVAL OF MINUTES – AUGUST 16, 2022

4. Commissioner Designee Dunham motioned to approve the minutes as presented. The motion was seconded by Commissioner Ben Rasmussen (UT). Motion carried.

ITEM 5 – NEW BUSINESS

5. **ABM Slide Deck Review** – Chair Gable reviewed the proposed PowerPoint with the Committee that will be presented at the Annual Business Meeting (ABM). She noted the two policies that were reviewed and adopted by the Committee this year. She stated these would be printed in the Docket Book at ABM. Chair Gable explained she would be reviewing Compact Rules Book changes with ABM attendees and explaining the technical and substantive changes. She noted she would review with attendees how to submit unique cases.

6. Commissioner Kathleen Berg (HI) asked if the Legal Advisory on Accreditation could be added to the PowerPoint. Ms. Ramsey answered that this would be added to the policies slide. Commissioner Berg motioned to approve the PowerPoint with amendments. Motion was seconded by Commissioner Designee Dunham. Motion carried.

ITEM 6 – OLD BUSINESS

7. **FY23 Case and Inquiry Report** – Ms. Ramsey presented the Case and Inquiry Report and noted from the start of the fiscal year in July headquarters has received 11 cases. She added the majority of cases were not compact related but the cases that were compact related fell under Article V: Course Placement. She also added that the majority of cases came from Tier One states.

ITEM 7 – OTHER BUSINESS AND ANNOUNCEMENTS

8. **Feedback for the Executive Committee (EXCOM)** – Chair Gable informed the Committee that at the last EXCOM meeting, she presented the Compact Rules Book changes and the EXCOM was very appreciative of the hard work of the Committee.

ITEM 8 – ADJOURNMENT

9. With no further business to conduct, Commissioner Rasmussen motioned to adjourn the meeting. Commissioner Davina French (ND) seconded the motion. Motion carried. The meeting was adjourned at 2:24 PM ET.

RULES COMMITTEE MINUTES
Tuesday, February 7, 2023
2:30 – 3:30 PM ET

PRESENT	Mary Gable Kathleen Berg Daniel Dunham Darrell Floyd Ben Rasmussen Cindy Hunt Ann Pettit Michael Rodriguez Davis Whitfield	Maryland Commissioner Hawaii Commissioner Virginia Commissioner Designee Oklahoma Commissioner Utah Commissioner Oregon Commissioner South Dakota Commissioner Delaware Commissioner NFHS	Chair Ex-Officio Member
EXCUSED	Davina French	North Dakota Commissioner	
STAFF	Cherise Imai Lindsey Dablow Stephanie Ramsey	Executive Director Training and Operations Associate Communications Associate	

ITEM 1 – CALL TO ORDER

1. The meeting was called to order by Chair Mary Gable (MD) at 2:30 PM ET.

ITEM 2 – ROLL CALL

2. Roll call was taken by Communications Associate Stephanie Ramsey. A quorum was established.

ITEM 3 – INTRODUCTIONS

3. As this was the first meeting of the year, Chair Gable called on Commissioners to introduce themselves.

ITEM 4 – APPROVAL OF AGENDA

4. Commissioner Michael Rodriguez (DE) motioned to approve the agenda as presented. The motion was seconded by Commissioner Darrell Floyd (OK). Motion carried.

ITEM 5 – APPROVAL OF MINUTES – SEPTEMBER 6, 2022

5. Commissioner Ben Rasmussen (UT) motioned to approve the minutes as presented. The motion was seconded by Commissioner Designee Daniel Dunham (VA). Motion carried.

ITEM 6 – REPORTS

6. **EXECUTIVE COMMITTEE (EXCOM)** – Ms. Ramsey stated the EXCOM met on January 19, 2023. The Training Committee reported the monthly virtual Compact 101 Trainings continue to be well attended. Department of Defense (DoD) representative Diane Ganote reported on the DoD 2023

Key Issues. Communication and Outreach provided EXCOM with the 2023 Communications Plan and the Purple Up! Toolkit for use during the Month of the Military Child in April. Compliance gave an update on State Council meetings being held and the Code of Conduct and Conflict of Interest forms submittals to date.

7. The EXCOM reported the National Guard and Reserve Legislative Toolkit was released to the Commission. Updates were given on the Citation Correction and the states attempting to make the correction during the 2023 legislative session. The EXCOM approved contracts for Brian Riggs, general counsel, former Delaware Commissioner Susan Haberstroh, and the memorandum of understanding from the Council of State Governments. Awards were approved for outgoing Commissioner Craig Neuenswander (KS) and three Community awards were approved. Finally, the EXCOM discussed implementing an Ex-Officio process as Blue Star Families expressed interest in becoming an ex-officio organization, and reviewed the results and recommendations given by Blue Star Families from their 2022 Military Family Survey.

ITEM 7 – NEW BUSINESS

8. **FY23 Case and Inquiry Report** – Ms. Ramsey presented the Case and Inquiry Report noting from the start of Fiscal Year 2023 headquarters has received 41 cases. She added the majority of cases were not compact related but the cases that were compact related fell under Article V: Placement and Attendance. Of the non-compact related cases, multiple inquiries regarding school choice, grade point average recalculation (GPA), and early withdrawal were received. She completed her report noting the majority of cases came from Tier One states.

9. **Topics that arise to the National Office** – Executive Director (ED) Cherise Imai presented trending topics the National Office received which included: high school credits earned in eighth grade, GPA recalculation, virtual school, foreign service military, and DOD civilian dependents. ED Imai provided background on these topics and informed the Committee she had been in contact with Dan Logsdon from the National Center of Interstate Compacts within the Council of State Governments to host a webinar about compact law and best practices for states and would update the Committee at their next meeting. ED Imai stated creating a legislative toolkit that addresses these issues would be helpful and a draft would be created for the next meeting for the Committee's review.

10. **ABM Tier Group Feedback** – Ms. Ramsey presented feedback from the Annual Business Meeting (ABM) Tier Groups regarding data collection, as outlined in *Chapter 200, SEC 2.102* of the Rules. The consensus among the Tier Groups was data currently collected, if a state does collect data, is inconsistent and inaccurate. The groups supported a repeal of the data collection Rule as Commissioners do not have the power to collect accurate data, with the option to re-enact the rule if needed. The groups suggested partnering with DoD on collecting data properly. Commissioner Kathleen Berg (HI) noted when ED Steve Hogan was in office, the Commission created an estimate of how many students were being served by the state using a statistical average. She stated she would share the theoretical statistics with the Committee if the Members wanted to review it.

11. **Policy Book** – Ms. Ramsey presented the Policy Guide the National Office released containing a compilation of the Military Interstate Children's Compact Commission's (MIC3) administrative policies. The Policy Guide can be accessed on the Commissioner page of MIC3.net and includes the recent policies adopted during the 2022 ABM.

ITEM 8 – OLD BUSINESS

12. **Strategic Plan** – Chair Gable reviewed the new Strategic Plan. The Committee's first action item is to ensure the Commission's alignment with the bylaws, rules, and policies and examine compliance and case resolution. The second action item is to identify opportunities to evaluate the effectiveness of the Compact and create an apparatus for states to determine their impact. Finally, the Committee is to track internal and external education issues and assess the need for rules clarification.

13. ED Imai stated general counsel is reviewing MIC3's administrative policies to identify policies that should be converted to Rules. General counsel's recommendation will be reviewed by Compliance first and then passed onto the Rules Committee. Commissioner Floyd motioned to approve the Strategic Plan as presented. The motion was seconded by Commissioner Designee Dunham. Motion carried.

14. **National Guard and Reserve and Compact Citation Update** – ED Imai informed the Committee of the release of the National Guard and Reserve Legislative Toolkit which is available on MIC3.net. She urged the Committee to utilize the guidance and share it with their state councils. She reminded the Committee not to amend the Compact statute but rather create external language with the guidance of the toolkit and submit it to the National Office so general counsel may review it to ensure it does not conflict with the Compact.

15. **Updated Rules Book** – Ms. Ramey presented the new amended Compact Rules book including the amendments adopted at the 2022 ABM. She informed the Committee hard copies can be requested from headquarters and it is available for digital download on the Publications page of the MIC3 website.

ITEM 9 – OTHER BUSINESS AND ANNOUNCEMENTS

16. **Feedback for the EXCOM** – No items were brought forth for the EXCOM.

17. **Staffing Changes** – Ms. Ramsey announced her resignation as the MIC3 Communication Associate. Chair Gable expressed her gratitude for the support Ms. Ramsey has provided the Rules Committee and the work she has done for the Commission.

18. **Purple Up! Toolkit** – Ms. Ramsey informed the Committee of the release of the Purple Up! Toolkit and reminded them to promote it to their state councils.

19. **Reminders** – Chair Gable reminded the Committee to follow MIC3 on social media and of the upcoming Compact 101 Training being held on February 22, 2023.

ITEM 10 – ADJOURNMENT

20. With no further business to conduct, Commissioner Designee Dunham motioned to adjourn the meeting. Commissioner Berg seconded the motion. Motion carried. The meeting was adjourned at 3:26 PM ET.

RULES COMMITTEE MINUTES
Tuesday, April 11, 2023
2:30 – 3:30 PM ET

PRESENT	Mary Gable	Maryland Commissioner	Chair
	Kathleen Berg	Hawaii Commissioner	
	Darrell Floyd	Oklahoma Commissioner	
	Davina French	North Dakota Commissioner	
	Ben Rasmussen	Utah Commissioner	
	Davis Whitfield	NFHS	Ex-officio Representative
EXCUSED	Cindy Hunt	Oregon Commissioner	
	Daniel Dunham	Virginia Commissioner Designee	
	Michael Rodriguez	Delaware Commissioner	
STAFF	Cherise Imai	Executive Director	
	Lindsey Dablow	Training and Operations Associate	
	Christina King	Communications Associate	

ITEM 1 – CALL TO ORDER

1. The meeting was called to order by Chair Mary Gable (MD) at 2:01 PM ET.

ITEM 2 – ROLL CALL

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

ITEM 3 – INTRODUCTIONS

3. Communications Associate Christina King was introduced to the Committee.

ITEM 4 – APPROVAL OF AGENDA

4. Commissioner Kathleen Berg (HI) motioned to approve the agenda as amended. The motion was seconded by Commissioner Darrell Floyd (OK). Motion carried.

ITEM 5 – APPROVAL OF MINUTES – February 7, 2023

5. Commissioner Floyd motioned to approve the minutes as amended. The motion was seconded by Commissioner Ben Rasmussen (UT). Motion carried.

ITEM 6 – REPORTS

6. **EXECUTIVE COMMITTEE (EXCOM)** – Chair Gable informed Members the EXCOM met on March 16, 2023 and were informed the Tier Groups would meet in June 2023. Members were asked to contact Ms. Dablow if they had not received a Tier Group meeting notice. The EXCOM was updated on National Office activities and informed the *Legal Perspectives: Commissioner and State Council*

Role and Responsibilities webinar would be available on mic3.net. Members were encouraged to review the webinar and share it with their State Council members.

7. The EXCOM reviewed two items featured on the Rules Committee agenda. The Data Collection Analysis Memo and the Review and Analysis of MIC3 Policy Guide. There being no questions, Chair Gable moved to New Business.

ITEM 7 – NEW BUSINESS

8. **Embry Memorandum: Review and Analysis of MIC3 Policy Guide** – Chair Gable explained General Counsel completed a thorough review of the Commission's policies and made recommendations to convert four (4) current policies into Commission Rules. Chair Gable summarized General Counsel's memo noting the EXCOM has power to create policies for the Commission; however, any enforcement action must be grounded in a Commission Rule or the Compact statute language because when a state becomes part of the Compact, the state is consenting to be governed by the Commission's rule-making authority.

9. The Chair noted General Counsel recommended *2-2017 Code of Conduct (CoC)*, *2-2019 Conflict of Interest (Col)*, *1-2017 State Coordination*, and *1-2019 Resolving Compliance Issues* become Rules and prepared draft Rules language for the Committee to review. Chair Gable yielded the floor to Ms. Dablow to review the language for proposed *Rule SEC. 7.105 Conduct of Commissioners*. Ms. Dablow noted the CoC and Col policies place additional requirements on the Commission and contain enforcement language. She noted the National Office edited the draft language to include staff.

10. Chair Gable clarified the current practice of the Commission is to sign a CoC and Col form annually, and the proposed Rule would maintain the current practice moving it from a policy to a rule. Ms. Dablow confirmed that would be the action and reminded Members there is a process and policy for resolving compliance issues which General Counsel also recommended be converted to a rule. Commissioner Berg questioned the addition of "staff" and Commissioner Rasmussen expressed concern related to Section (a) (1) (ii) noting the Commissioner is expected to act in the best interest of their state which may not always be in the best interest of the Commission, staff, or the MIC3 community at large.

11. Chair Gable yielded the floor to Executive Director Cherise Imai, and she responded "staff" was added to the language because they are part of the Commission and would also be bound by the language; however, if the Committee did not support the inclusion of "staff" it could be removed. Commissioner Rasmussen clarified he did not oppose staff abiding by the proposed rule only that it should not be included in section (a) (1) (ii) because the Compact Commissioner does not have to act "in the best interest" of staff, the Compact, or the Commission which is not the responsibility of the Commissioner. He suggested rewording the section.

12. Commissioner French asked if the Commission had numerous compliance issues and if there was a process to address compliance issues. Chair Gable responded the recommendation to convert the CoC and Col policies was not made because of compliance issues instead, based on General Counsel's recommendation, because it places an additional requirement on the Commissioner and has enforcement language it should be in a rule instead of policy. Commissioner French stated she did not understand the need for a rule when Commissioners are already holding themselves accountable. She asked if there is a process to address compliance issues. Commissioner Berg stated, based on General Counsel's recommendation, her understanding was to enforce the CoC and Col it needed to be a rule. Commissioner Berg agreed the enforcement of the rule should be outlined.

13. Commissioner Rasmussen asked why the Commission could not send a letter to the appointing authority based on a policy. He stated he did not think the two current policies needed to be a Commission Rule and did not support developing a rule based on the current policies.

14. Chair Gable asked Ms. Dablow to provide comment and background on the proposed rules. Ms. Dablow noted a thorough review of the Commission's policies was an action item on the current strategic plan and several committees would review the memo produced by General Counsel. She explained proposed *Rule SEC. 7.108 Conduct of Commissioners* was the combination of the CoC and Col policies. *SEC. 7.106 Escalation and Reporting of Disputes* was developed from policy 1-2019 *Resolving Compliance Issues* which outlines escalation of compliance issues within the Commission. Ms. Dablow replied, to Commissioner French's question, it is the process currently used by the Compliance Committee to address compliance issues and has been in effect since 2019. She explained the purpose of moving the process from a policy to a rule was not because there is an immediate compliance issue. However, based on General Counsel's recommendation and discussion with other Interstate Compacts it is a best practice because policies are intended to guide the internal administration of the Commission whereas rules provide governance.

15. Ms. Dablow stated the third proposed *Rule SEC. 8.101 Coordination Between States and Commission*, was based on policy 1-2017 *State Coordination* that outlines state reporting requirements., including the end-of-year reporting and annual state council meeting requirement. She again noted the current policy places additional reporting obligations on the states and compliance requirements.

16. Commissioner Berg provided background on the rule's development process and creation of the Commission Rules book. She noted the Rules book highlights areas of the Compact statute outlining Commissioner obligations based on the statute language. Commissioner Berg noted the proposed rules were not placing additional conditions on Commissioner because the requirement already exists in the statute language.

17. Chair Gable asked Commissioner Rasmussen for language to amend section (a) (1) (ii) of proposed *Rule SEC. 7.105 Conduct of Commissioners*. Commissioner Rasmussen suggested, "Each Commissioner shall be respectful and work in good faith with the Commission, the Member States, staff, and the MIC3 community at large." He reiterated his support of the language being contained in a policy not in a rule. Commissioner Berg asked if Commissioner Rasmussen would accept, "act at all times with respect and work in good faith with..." which Commissioner Rasmussen agreed to. Commissioner Berg asked if Commissioner Rasmussen thought the language should acknowledge the Commissioner does act on behalf of their state and he agreed it should.

18. ED Imai suggested creating a new subsection (ii) to add "Understanding Commissioners act in the best interests of their state;" which would make the former subsection (ii) now (iii). Commissioner Rasmussen asked if the Committee had to adopt the proposed Rules at this meeting and Chair Gable asked ED Imai to provide the timeline for passage of proposed Rules. ED Imai stated the Committee had time but would need to vote on it during their meeting in June if they wanted the proposed rule to be voted on at the 2024 ABM. She noted, under the Promulgation of Rules process, passage by the Rules Committee would allow the full Commission 30 days to review the proposed Rules language and provide comment to the Rules Committee for their consideration. After the 30-day Commission comment period, the Rules Committee would consider the comments from their fellow Commissioners. Upon review of their colleague's comment the Rules Committee then has two options to amend the language and pass it out of Committee for a final review by EXCOM before a vote by the full Commission at ABM or determine not to pass the language out of Committee.

19. The Members determined to review the proposed rules and provide feedback via email prior to the June 13, 2023 Rules Committee meeting.

20. **External Legislative Toolkit** – Chair Gable reminded Members the Committee discussed non-compact related topics during the February committee meeting and asked headquarters to develop a legislative toolkit that would assist states that wanted to pursue external statute language to address non-compact related issues. The proposed legislative toolkit was similar to the one developed to address the National Guard and Reserve following the 2022 ABM. The Chair highlighted the General Counsel Guidance section. ED Imai reviewed the process for submitting proposed statute language to headquarters for review by General Counsel to ensure it does not conflict with the Compact statute.

21. Commissioner Berg asked which states were working on external statute language and ED Imai responded Pennsylvania and Virginia submitted language during the 2023 legislative session, and a couple other states informed headquarters their state was considering developing an external statute to provide similar coverage as the Compact to other populations for the 2024 legislative season. Chair Gable noted the toolkit would be on the agenda as a voting item for the June 13, 2023 meeting.

22. **Promulgation of Rules Proposed Amendment** – Chair Gable explained the proposed amendment to the Promulgation of Rules process would provide a deadline for submission of proposed new rules or amendments to existing rules. It would require proposed language be submitted to the Rules Committee no later than February 28 of the current fiscal year to be eligible for a full vote of the Commission during the current year's ABM. This proposed deadline is intended to allow the Rules Committee time to complete the steps outlined in *Compact Rules SEC. 2.101 Adoption of Rules; Amendments* and the Promulgation of Rules guidance.

23. Commissioner Rasmussen asked if there was a clause to allow for an emergency rule and it was confirmed there is outlined in *Rule SEC. 2.101*. He voiced support for editing the language to include the February 28 deadline. Commissioner Berg suggested amending the language to include reference to the Emergency Clause provided in the guidance.

24. Commissioner French asked if instead of a date could the language reflect “120 days following the ABM” and Chair Gable asked the Members to consider the best course of action and table this item until the Committee meets in June.

ITEM 8 – OLD BUSINESS

25. **Case and Inquiry Report** – Ms. Dablow reviewed the Case and Inquiry Report and noted as of April 2023 headquarters had assisted with 55 cases. She explained 42% of the inquiries were from parents followed by 20% from Commissioners and 20% from School Liaisons. Of the 55 cases, 36 (65%) were not Compact related and 18 (33%) were. Ms. Dablow noted most Compact-related cases originated from *Article V Course Placement* followed by *Article VII Graduation*. Of the cases that were not Compact related, school choice was the main topic headquarters was contacted about. Ms. Dablow highlighted recent inquiries related to Pre-K programs and Kindergarten entrance age. She explained the Department of Defense (DoD) initiative to install universal Pre-K programs within all the DoD Education Activity (DoDEA) schools may increase the number of cases received due to military child transitioning from a Pre-K DoDEA program to a public school where the child does not meet the kindergarten entrance age.

26. **Strategic Plan (Update)** – Chair Gable reviewed the action items assigned to the Rules Committee noting the Committee is on track to meet its goals for the first year of the Strategic Plan.

27. **Embry Memo: Data Collection Analysis (Update)** – Chair Gable explained each standing committee was asked to provide feedback regarding data points relevant to the implementation of the Compact and transitioning military children. Feedback would be provided to the Rules Committee once the standing committees have met and provided suggested data points for collection.

ITEM 9 – OTHER BUSINESS AND ANNOUNCEMENTS

28. **Feedback for the EXCOM** – No items were brought forth for the EXCOM.

29. Oklahoma Commissioner Darrell Floyd informed the Committee of his retirement from Enid Public Schools and resignation as Oklahoma's Compact Commissioner effective on June 30, 2023.

30. **Commission Election Key Dates** – Chair Gable shared the Commission Election Key Dates with Members for their awareness.

ITEM 10 – ADJOURNMENT

31. **With no further business to conduct, Commissioner French motioned to adjourn the meeting. Commissioner Rasmussen seconded the motion. Motion carried.**

32. The meeting was adjourned at 3:07 PM ET.