

State Compliance Under the Compact

by Steven Bullard, Kentucky Commissioner and Compliance Chair

Interstate compacts are legally binding agreements between two or more states that facilitate cooperation and collaboration among participating states to address a common issue, goal, or promote a collective agenda. Similar to a contract, the compact provides a framework for the states to work together while respecting each other's autonomy and sovereignty.

The Military Interstate Children's Compact Commission (MIC3) was established in 2008 to address the K-12 education of military and uniform-connected students as they attend public schools and Department of Defense Education Activity schools worldwide. The commission comprises delegates from the 50 states, the District of Columbia, and six ex-officio organizations that develop the policies and procedures related to the Compact and ensure the agreement is implemented effectively.

The executive committee oversees the administration of the compact during periods when the Interstate Commission is not in session, including enforcement and compliance with the provisions of the compact statute, its bylaws and rules, and other such duties as deemed necessary. The Commission has five standing committees that support the administration: finance, rules, communications, training, and compliance. The compliance committee is responsible for monitoring and enforcing compliance, as well as tracking and assessing each state's obligations under the agreement.

The compact rules, which have the force and effect of statutory law in a member state, require states to appoint a compact commissioner to oversee their state program, (at minimum) convene a state council meeting annually, file an end-of-year report, and pay their dues. The committee works proactively to remind states of the deadlines through memorandums, during committee meetings, and by emailing commissioners directly. We strive for 100% compliance each year. The vast majority of states meet their annual requirements in a timely manner; however, we often have to work with a small number of states each year to fulfill their obligations.

If a state does not proactively respond to an informal approach, the Commission has developed several enforcement tools to ensure compliance with the provisions, rules, and regulations of the compact. These tools include remedial training and technical assistance, alternative dispute resolution, judicial enforcement, and application of fines, fees, and costs determined to be reasonable by the Commission. Additionally, membership in the compact may be suspended or terminated as a last resort.

While the Commission has had several cases that required General Counsel assistance, all were resolved before judicial enforcement. The Commission's goal is to work collaboratively with member states to ensure that compliance is achieved while maintaining a positive and productive relationship. While relationships are important, ultimately we're obligated to uphold the interstate agreement and our commitment to help military kids.

The Interstate Compact on Educational Opportunity for Military Children eases educational transitions of military children as they transfer between states in the areas of enrollment; placement and attendance; eligibility; and graduation. The Compact was developed by The Council of State Governments National Center for Interstate Compacts, the U.S. Department of Defense, national associations, federal and state officials, state departments of education, school administrators, and military families. For more information, visit www.mic3.net.