

MEMORANDUM

To: MIC3 Compact Commission
From: Samantha Nance, General Counsel
Date: January 9, 2026
Re: Review of Proposed Legislation by the American Legislative Exchange Council (ALEC)—Uniform Services Child School Transitions Act

This Memorandum stems from review of the Uniformed Services Child School Transition Act published by the American Legislative Exchange Council. This Memorandum will be presented in six (6) parts.

I. SUMMARY OF THE PROPOSED TRANSITIONS ACT (ALEC DRAFT)

The Transitions Act states it will (a) maximize effective school transitions administered by the state K-12 agency and implemented by districts (b) “consolidate” state education provisions under the Act and the Interstate Compact for Educational Opportunities for Military Children (the “Compact”). It also explicitly says it expands eligibility beyond the Compact’s scope, including categories not covered under the Compact (e.g., traditional Guard/reserves relocating for employment). The language then sets out detailed procedures for records transfer, enrollment, advance enrollment, course/program placement, special education coordination, graduation testing/diploma handling, military family coordinators, and reporting.

II. QUESTIONS PRESENTED

If a member state adopts the proposed Uniformed Services Child School Transitions Act (the “Transitions Act”), would any of its provisions (a) create noncompliance with the Compact, (b) adversely impact compact mechanics (records transfer, enrollment, placement, timelines, rulemaking), or (c) effectively operate as an impermissible de facto compact amendment?

III. SUMMARY OF RELEVANT LEGAL ASPECT OF THE COMPACT

- 1. The Compact permits additional non-conflicting state law.** Article XVIII(A)(1) preserves “any other law...not inconsistent with this compact,” and Article XVIII(A)(2) supersedes conflicting state laws “to the extent of the conflict.”
- 2. Interstate Compact Commission has rulemaking and uniformity authority.** The Compact empowers the Interstate Compact Commission to promulgate rules with the force of statutory law in member states.
- 3. Key mechanics tie to Commission rules.** Examples include the “uniform information” content for unofficial records and timelines for records transfer.

4. **Compact amendments require unanimous consent.** The Commission may propose amendments, but none become effective unless enacted by “unanimous consent of the member states.”

IV. BRIEF ANSWER TO QUESTIONS PRESENTED

1. Would the Transitions Act create issues of noncompliance with the Compact?

Yes—enacting the Transitions Act would materially impair Participating States and create noncompliance with the Compact as enacted. A state may generally “add on” protections for military-connected children through standalone statutes so long as the added law is **not inconsistent** with the Compact. The Compact expressly allows non-conflicting state laws and supersedes conflicting state laws only to the extent of the conflict.

2. Would the Transition Act adversely impact Compact mechanics (records transfer, enrollment, placement, timelines, rulemaking)

Yes—enacting the Transitions Act would adversely impact Compact mechanics.

3. Would the Transitions Act effectively operate as an impermissible de facto compact amendment?

Arguably—Yes, a Participating State who enacts the Transition Act would effectively amend the Compact as enacted in their state bringing that Participating State into non-compliance. The Transitions Act **expressly aims to “consolidate”** state provisions with Compact provisions and expands eligibility beyond the Compact. Those features are not inherently fatal, but the Act also reallocates or redefines certain core mechanics that the Compact assigns to the Interstate Commission (not the state), particularly around uniform records content and timing standards.

Bottom line: Adoption can be permissible, but only if the state treats the Transition Act as a supplemental floor-plus statute and the Transition Act is amended to include explicit language that (1) the Compact controls for Compact-covered students and Compact-governed procedures, and (2) any Act provisions apply only where they do not conflict with Compact requirements and Interstate Commission rules.

V. COMPACT INTEGRITY AND COMPLIANCE ANALYSIS

1. **“Add-on” expansion of coverage is generally permissible — but must not redefine Compact applicability.**

The Compact limits applicability primarily to children of active duty and certain one-year post-injury/death categories, and it excludes (as a compact matter) students who are children of National Guard and Reserve, as has been the topic of previous discussions amongst the Commission. Conversely, the

Transitions Act deliberately covers additional groups (including traditional Guard/reserve members relocating for employment and dual status technicians).

Integrity Impact: This is typically acceptable as a state-only enhancement, but the state should avoid language implying that these newly covered groups are being brought “into” the Compact itself. If the state blurs that line, districts may apply state standards in circumstances where Compact rules are mandatory, risking inconsistent implementation across member states.

Recommended acceptable amendment to Transitions Act: An express statement that (i) the Transition Act creates state-law rights for additional categories and (ii) does not alter Compact applicability.

2. Highest-risk issue: shifting “uniform information” standards from the Interstate Commission to the state agency.

The Compact: For unofficial/hand-carried records, the Compact requires that the unofficial set contain “uniform information as determined by the Interstate Commission.” Conversely, the Transitions Act provides that unofficial records “shall contain uniform information as determined by the [state K-12 education agency].”

Integrity Impact: This is a direct mechanical overlap with a Compact-governed process. If the state K-12 agency sets “uniform information” differently than Interstate Commission rules, then for Compact-covered students the state standard would be inconsistent and therefore superseded under Article XVIII(A)(2). Nevertheless, operationally it creates training/implementation confusion for districts, non-uniform practice across member states, and potential compliance disputes.

Recommended acceptable amendment to Transitions Act: A two-track clause contained within the Transition Act may possibly remedy the above concern.

- For Compact-covered students/transitions, “uniform information” must be as determined by the Interstate Commission;
- For state-only expanded-eligibility students not covered by the Compact, the state agency may specify required record elements.

3. Timing standards for official records and enrollment obligations: state rulemaking must not conflict with Interstate Commission rules.

The Compact requires that a sending state must furnish official records “within ten (10) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.” Conversely, the Transitions Act states that the sending district must furnish official records within 10 days or within a reasonable timeframe “as established by their state education agency rules.”

Integrity Impact: If a state’s rules deviate from Interstate Commission rules for Compact-covered students, the same Article XVIII conflict/supersession problem arises. Practically, this is a compliance tripwire because records-transfer timing is core to Compact performance and implementation.

Recommended acceptable amendment to Transitions Act: Require that any state timelines meet or exceed the Compact baseline and expressly state that where Interstate Commission rules apply, they control.

4. State rulemaking authority is acceptable — but cannot regulate matters the Compact assigns to Interstate Commission rulemaking.

The Transitions Act authorizes the State Board of Education to promulgate rules to implement the Act and states the Commissioner will administer both the Act and the state’s participation in and compliance with the Compact. This administrative consolidation is generally compatible with the Compact’s requirement for state coordination (state councils / liaisons / commissioner structure).

Integrity Impact: The state can add administrative infrastructure. The risk arises only if state rules attempt to reinterpret Compact obligations or substitute state requirements for Interstate Commission rules.

Recommended acceptable amendment to Transitions Act: An express statement that (i) the Transition Act creates state-law regulatory rights for additional categories beyond the Compact and (ii) does not alter Compact applicability.

5. “Consolidation” phrasing increases amendment-by-implication risk.

The Transitions Act’s purpose includes “consolidat[ing] state education provisions under this Act and [the] Compact.”

Integrity Impact: That phrasing can invite drafting approaches where a legislature “rewrites” compact obligations into a new consolidated statute with modified definitions (e.g., different “deployment” window) or altered procedures. Even if well-intended, that can function as a de facto amendment in operation—something the Compact does not allow unilaterally because amendments require unanimous member-state enactment.

Recommended acceptable amendment to Transitions Act: An express statement that (i) the Transition Act does not alter Compact language, effect, codification or applicability.

VI. CONCLUSION

A member state can adopt the Uniformed Services Child School Transitions Act as a supplement to MIC3 without compromising compact integrity if the Transitions Act is amended and administered to avoid conflicts with Compact mechanics and Interstate Commission rules. The most significant integrity/compliance risks are where the Act reallocates “uniform information” standards and timing



standards from the Interstate Commission to the state agency/districts. As the Transitions Act currently stands, the terms would adversely impact MIC3 Compact administration.