

MIC3 | MILITARY INTERSTATE CHILDREN'S COMPACT COMMISSION

Interstate Compact on Educational Opportunity for Military Children

COMPACT RULES

FIFTH EDITION

Introduction

The goal of the Compact is to replace the widely varying policies affecting eligible military students. The Compact leverages consistency. It uses a comprehensive approach that provides a consistent policy in every school district and in every state that chooses to join.

The Compact addresses key educational transition issues encountered by military families including enrollment, placement, attendance, eligibility, and graduation.

Children of active-duty members of the uniformed services, National Guard and Reserve on active-duty orders, uniformed members of the National Oceanic and Atmospheric Administration and United States Public Health Services are eligible for assistance under the Compact. The children of members or veterans who are medically discharged or retired are eligible for assistance, for one year after leaving service, under the Compact. Finally, children of members who perish while on active duty are also eligible for assistance under the Compact for one year following the death of the service member.

The Commission Rules were approved and adopted at the Annual Business Meeting in November 2009. Additional amendments were made in subsequent year (ref. page 17) the Rules complement the language of the Interstate Compact and may not conflict with it; and have the force and effect of state statute. These Rules are not designed to address every issue arising under the Compact but allow room for flexibility to make reasonable changes or clarification as the need arises through amendment, advisory opinions, and training opportunities.

For additional information regarding the Compact Rules or the Commission, contact mic3info@csg.org or call (859) 244-8000.

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CHAPTER 100
Definitions

SEC. 1.101 | DEFINITIONS

As used in these rules unless the context clearly requires a different construction.

(a) "Accreditation" means: Accreditation of the school in the sending state where accreditation of that school is otherwise required under the laws of the sending state for the provision of public funds.

(b) "Active duty" means: full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active-duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

(c) "By-laws" means: those by-laws established by the Interstate Commission on Educational Opportunity for Military Children for its governance, or for directing or controlling the Interstate Commission's actions or conduct.

(d) "Children of military families" means: a school-aged child(ren), enrolled in kindergarten through twelfth (12th) grade, in the household of an active-duty member.

(e) "Compact commissioner" means: the voting representative of each compacting state, appointed pursuant to Article VIII of this compact.

(f) "Days" means business days, unless otherwise noted.

(g) "Deployment" means: the period one (1) month prior to the service members' departure from their home station on military orders though six (6) months after return to their home station.

(h) "Education(al) records" means: those official records, files, and data directly related to a student and maintained by the school or local education agency (LEA), including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

(i) "Extracurricular activities" means: a voluntary activity sponsored by the school or an LEA or an organization sanctioned by an LEA. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

(j) "Interstate Commission on Educational Opportunity for Military Children" means: the Commission that is created under Article IX of this Compact, which is generally referred to as Interstate Commission.

(k) "Local education agency" means: a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth (12th) grade public educational institutions.

(l) "Member state" means: a state that has enacted this Compact.

(m) "Military installation" means: a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

(n) "Non-member state" means: a state that has not enacted this compact.

(o) "Receiving state" means: the state to which a child of a military family is sent, brought, or caused to be sent or brought.

(p) "Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article XII of this Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(q) "School Board" means: the local educational authority charged with the provision and maintenance of schools, unless no such authority exists, in which case "school board" shall refer to the state department or board of education.

(r) "Sending state" means: the state from which a child of a military family is sent, brought, or caused to be sent or brought.

(s) "State" means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory.

(t) "State council" means: the Council in each member state established under Article VIII of this compact or the existing body or board designated by the member state to provide for multi-agency coordination of the Compact activities.

(u) "Student" means: the child of a military family for whom an LEA receives public funding and who is formally enrolled in kindergarten through twelfth (12th) grade.

(v) "Substantially Comparable Graduation Requirements" means a set of academic criteria, cumulative credits, and course prerequisites or requirements required by a receiving Local Education Agency (LEA) for a student to receive a formal exit document (including any standard, tiered, honors, advance, or alternate diploma, certificate of completion or attendance, or state-recognized equivalency credential) that closely aligns with the academic rigor and coursework the student successfully completed or was actively pursuing in the sending LEA prior to transition. Substantial comparability is determined by a comparative evaluation of the sending and receiving states' standard and advanced coursework expectations across any secondary education program document issued in recognition of a student's completion or exit, excluding any interim, unofficial or ceremonial documents that do not, standing alone, confer completion status.

(w) "Transition" means: 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

(x) "Uniformed Service(s)" means: The Army, Navy, Air Force, Space Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

(y) "Veteran" means: a person who served in the uniformed services and who was discharged or released under conditions other than dishonorable

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CHAPTER 200
General Provisions

SEC. 2.101 | ADOPTION OF RULES; AMENDMENT

Proposed rules or amendments to the Rules shall be adopted by majority vote of the members of the Interstate Commission in the following manner:

(a) Proposed new Rules and amendments to existing Rules shall be submitted to the Interstate Commission office no later than February 28 of the current fiscal year for referral to the Rules Committee as follows:

  (1) Any commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal must be made in the form of a motion and approved by a majority vote of a quorum of the Commission members present at the meeting;

  (2) Standing committees of the Commission may propose Rules or rule amendments by majority vote of that committee;

  (3) Any group of states as may be subsequently recognized by the commission may propose rules or rules amendments by a majority vote of members of that group;

(b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed Rules shall be posted on the Commission's website upon receipt. Based upon the comments made by the commissioners, the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission no later than the next annual meeting falling in an odd-numbered year.

(c) Prior to promulgation and adoption of a final Rule by the Interstate Commission, the text of the proposed Rule or amendment shall be published by the Rules Committee no later than thirty (30) days prior to the meeting at which the vote is scheduled, on the official website of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided. Each administrative Rule or amendment shall state:

  (1) The place, time, and date of the scheduled public hearing;

  (2) The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and

  (3) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

(d) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, which case the person or entity making the request shall pay for the transcript. A recording maybe made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it chooses to do so.

(e) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at hearings required by this section.

(f) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Interstate Commission shall consider all written and oral comments received.

(g) The Interstate Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(h) Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States district court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside.

(i) Upon determination that an emergency exists, the Interstate Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to:

  (1) Meet an imminent threat to public health, safety, or welfare;

  (2) Prevent a loss of federal or State funds;

  (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

  (4) Protect human health and the environment

SEC. 2.102 | DATA COLLECTION AND REPORTING

(a) As required by the Compact, and as specified by the operational procedures and forms approved by the Commission, the states shall gather, maintain, and report data regarding the transfer and enrollment of students.

(b) Each state may report as determined by the Commission the number of students transferred to an LEA from another state and received from another state's LEA.

(c) Reports that may be required under SEC. 2.102 (a) and (b) shall be received by the Commission in a manner and frequency determined by the Commission.

SEC. 2.103 | DUES FORMULA

(a) The Commission shall determine the formula to be used in calculating the annual assessments to be paid by member states as authorized by Article XIV.B. of the Compact. Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting at which the proposed revision will be considered.

(b) The Commission may consider the population of the states, the number of students subject to the compact within each state, and the volume of student transfers between states in determining and adjusting the assessment formula.

(c) The approved formula and resulting assessments for all member states shall be distributed by the Commission to each member state annually.

(d) Beginning with FY 2027, the dues formula shall be based on the figure of one dollar and seventy-eight cents per child ($1.78) of military families eligible for transfer under this compact, and this calculation shall be based upon the State in which each military family resides, except that no State dues assessment shall be less than four thousand dollars ($4,000.00). For purposes of this Rule, the dues amount for each State under the foregoing formula calculation set forth in this Sec. 2.103(d) shall be the "Base Dues Amount."

(e) Beginning with FY 2028 and continuing for each fiscal year thereafter, the Base Dues Amount for each state shall be increased annually by four percent (4%) (the new dues amount in any respective fiscal year shall

be the "Adjusted Dues Amount.") For example, for any given state, the Adjusted Dues Amount for FY 2029 shall be calculated by increasing the FY 2028 Adjusted Dues Amount by four percent (4%).

(f) At least every three (3) years, the Finance Committee shall review the base dues calculation formula set forth in Sec. 2.103(d) and the adjustment percentage set forth in Sec. 2.103(e). Following such review, the Finance Committee may make recommendation(s), to the Rules Committee regarding modification of the base dues formula calculation and/or the annual percentage increase set forth therein. Such recommendations shall be based upon an assessment of inflation, overall costs, and the operations, activities, and budget of the commission consistent with Article XIV.B. of the Compact.

(g) Ex-officio members, as non-state organizations participating in the Commission pursuant to IX.C. of the Compact, shall not be subject to the foregoing dues formula calculation consistent with Article XIV of the Compact.

(h) The Commission may receive donations, grants of money, or contributions in-kind (such as equipment, supplies, materials, services and support) from its ex-officio members as authorized by Article X.J. to assist in the payment of its reasonable expenses of its establishment, organization and ongoing activities pursuant to Article XIV.A. of the Compact, except where such activity would create a conflict of interest thereof.

SEC. 2.104 | FORMS

(a) States may use the forms or electronic information system authorized by the Commission for communication regarding transfers of students subject to this compact between or among states.

SEC. 2.105 | STATE COUNCILS

(a) Each state council shall meet at least once per fiscal year. The state Compact commissioner shall provide the state council meeting dates, agendas, and minutes to the Interstate Commission office within 60 days following each state council meeting. State council meetings may be conducted face-to-face, electronically or by telephone.

(b) If a state's statute delegates the duties of the state council to another entity, the state Compact commissioner shall annually by July 1 submit appropriate documentation to the National Office demonstrating that the delegated entity is fulfilling the duties of the state council required under Article VIII of this Compact. The National Office may request additional documentation if the Compliance Committee determines the submitted documentation is insufficient to demonstrate compliance with Article VIII of this Compact.

CHAPTER 300
Transfer of Education Records and Enrollment

SEC. 3.101 | ELIGIBILITY FOR TRANSFER AND ENROLLMENT

(a) Unofficial or "hand-carried" education records – In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible. In the event a state or an LEA charges a fee for copies of educational records, such a fee shall not exceed the reasonable cost of reproduction.

(b) Official education records/transcripts – Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from

the school in the sending State. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) business days except for a designated school staff break including, but not limited to, spring, summer, or holiday. Records should be furnished as soon as possible following the return of staff from a school staff break; however, the time shall not exceed ten (10) days after the return of staff.

SEC. 3.102 | APPLICATION FOR TRANSFER OF STUDENT RECORDS AND ENROLLMENT

An application for transfer of educational records of students subject to this compact shall contain the following:

(a) Immunizations – Compacting states shall give thirty (30) calendar days from the date of enrollment. For a series of immunizations, initial vaccinations must be obtained within thirty (30) calendar days.

(b) Kindergarten and First grade entrance age – Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including Kindergarten) from an LEA in the sending state at the time of transition, regardless of age. In the case of a Kindergarten student, the student must have been enrolled and attended class in the sending state in order to assure continued attendance in Kindergarten in the receiving state. A student that has satisfactorily completed the prerequisite grade level in the LEA in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

(1) Any student who transfers from an out-of-state public school and who does not meet regular age requirements for admission to the school of the state being transferred into shall be admitted upon presentation of the data required in subsection (3).

(2) Any student who transfers from an out-of-state non-public school and who does not meet regular age requirements for admission to a public school in the state being transferred, shall be admitted if the student meets age requirements for public schools within the state from which he or she is transferring, and if the transfer of the student's academic credit is acceptable under rules of the receiving school board. Prior to admission, the parent or guardian must also provide the data required in subsection (3).

(3) In order to be admitted into a school of the state being transferred, such a student transferring from an out-of-state school must provide the following data:

(i) Official documentation that the parent(s) or guardian(s) were resident(s) of the state in which the child was previously enrolled in school;

(ii) An official letter or transcript from the proper school authority which shows a record of attendance, academic information, and grade placement of the student;

(iii) Documented evidence of immunization against communicable diseases; and

(iv) Evidence of date of birth.

(4) Accreditation of the school in the sending state shall only be required where accreditation of that school is otherwise required under the laws of the sending state for the provision of public funds.

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CHAPTER 400
Graduation

SEC. 4.101 | WAIVER REQUIREMENTS

(a) LEA administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another LEA or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, an LEA shall provide an alternative means of acquiring required coursework so that graduation may occur on time. If the receiving LEA requires a graduation project, volunteer community service hours, or other state or LEA specific requirements, the receiving LEA may waive those requirements.

SEC. 4.102 | EXIT EXAMS

(a) Exit exams – States shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests; or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving State for a student transferring in his or her senior year, then the provisions of SEC. 4.103 shall apply.

SEC. 4.103 | TRANSFERS DURING SENIOR YEAR

(a) Transfers during senior year – There may be cases in which a military student transferring at the beginning or during his or her senior year is ineligible to graduate from the receiving LEA after all alternatives have been considered. In such cases the sending and receiving LEA's shall ensure the receipt of a diploma from the sending LEA, if the student meets the graduation requirements of the sending LEA. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Article VII, Sections A and B of the Compact.

(b) Substantial Comparability and Course Waivers – Consistent with Article I, Section B of the Compact, when evaluating graduation requirements under SEC. 4.101, every effort shall be made by the receiving LEA to ensure the transferring senior receives a formal exit document that reflects Substantially Comparable Graduation Requirements to those the student had worked towards in the sending LEA, without placing an unreasonable burden on the student. If the receiving LEA determines that the student has not met the Substantially Comparable Graduation Requirements for a particular diploma, certificate, or credential, and waiving additional courses would damage its academic integrity, the receiving LEA shall work collaboratively with the sending LEA to facilitate the student's receipt of that document from the sending LEA.

CHAPTER 500
Placement and Attendance

SEC. 5.101 | COURSE PLACEMENT

(a) The receiving school shall initially place a student who transfers before or during the school year in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state to the extent the educational courses are provided by the receiving school. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the

student in the course(s). The receiving school may allow the student to attend similar educational courses in other schools within the LEA if the receiving school does not offer such educational courses.

SEC. 5.102 | EDUCATIONAL PROGRAM PLACEMENT

(a) The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s). The receiving school may allow the student to attend similar educational courses in other schools within an LEA if the receiving school does not offer such programs.

SEC. 5.103 | SPECIAL EDUCATION SERVICES

(a) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and

(b) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education.

(c) The receiving school may perform subsequent evaluations to ensure appropriate placement and appropriate services. The receiving school shall follow any current regulations the receiving state has in place in order to comply with federal or state law.

SEC. 5.104 | PLACEMENT FLEXIBILITY

(a) LEA officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of an LEA.

SEC. 5.105 | ABSENCE AS RELATED TO DEPLOYMENT ACTIVITIES

(a) A student whose parent or legal guardian is an active-duty member of the uniformed services, as defined by the Compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of an LEA superintendent or head of school to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian. Notwithstanding the above, an LEA superintendent or head of school may provide a maximum number of additional excused absences.

CHAPTER 600
Eligibility

SEC. 6.101 | ELIGIBILITY FOR ENROLLMENT

(a) A custody order, special power of attorney, or other applicable document relative to the guardianship of a child of a military family and executed under the applicable law of each member state shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A special power of attorney form, which is acceptable in some jurisdictions, can be obtained through the Judge Advocate General's Corps (JAG) offices pursuant to Military Family Care Plan regulations.

(1) An LEA shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent. Tuition may be charged for optional programs offered by an LEA.

(2) An eligible military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.

(3) An LEA shall not charge tuition. In addition, transportation to and from school is the responsibility of the non-custodial parent or other persons standing in loco parentis.

SEC. 6.102 | ELIGIBILITY FOR EXTRACURRICULAR PARTICIPATION

(a) State and LEA shall facilitate the opportunity for an eligible military children's inclusion in extracurricular activities, regardless of application deadlines, with consultation with the state high school athletic association, to the extent they are otherwise qualified. Application deadlines include tryouts, summer conditioning and other coach or district prerequisites.

(b) Schools and LEAs in a state shall make reasonable efforts to allow eligible military students to participate in any and all extracurricular activities that are offered to the enrolled student body. Such reasonable efforts shall include, but not be limited to, the provision of information in an impartial manner.

(c) When requested by an eligible military child or family, personnel (including but not limited to administrators, staff, and coaches) shall provide any and all relevant information related to extracurricular activities at the school or LEA.

(d) Where necessary, schools and LEAs shall make reasonable efforts to ensure that eligible military children and families have access to any and all communication channels used to distribute information related to extracurricular activities, including but not limited to social media accounts or online applications that are private, closed, or accessible by invitation only.

CHAPTER 700
Oversight, Enforcement, and Dispute Resolution

SEC. 7.101 | INFORMAL COMMUNICATION TO RESOLVE DISPUTES OR CONTROVERSIES

(a) States shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.

(b) Failure to resolve dispute or controversy:

(1) Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under SEC. 7.101(a), states shall pursue one or more of the informal dispute resolution processes set forth in SEC. 7.101(b)(2) prior to resorting to formal dispute resolution alternatives.

(2) Parties shall submit a written request to the executive director for assistance in resolving the controversy or dispute. The executive director shall provide a written response to the parties within ten (10) days and may, at the executive director's discretion, seek the assistance of legal counsel or the Executive Committee in resolving the dispute. The Executive Committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy

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SEC. 7.102 | FORMAL RESOLUTION OF DISPUTES AND CONTROVERSIES

(a) Alternative dispute resolution – Any controversy or dispute between or among compacting states that arises from or relates to this compact that is not resolved under SEC. 7.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

(b) Mediation and arbitration:

(1) Mediation

(i) A state that is party to a dispute may request, or the Executive Committee may require, the submission of a matter in controversy to mediation.

(ii) Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the national organization responsible for setting standards for mediators and pursuant to procedures customarily used in mediation proceedings.

(2) Arbitration

(i) Arbitration may be recommended by the Executive Committee in any dispute regardless of the parties' previous submission of the dispute to mediation.

(ii) Arbitration shall be administered by at least one (1) neutral arbitrator or a panel of arbitrators not to exceed three (3) members. These arbitrators shall be selected from a list of arbitrators maintained by the Commission staff.

(iii) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.

(iv) Upon the demand of any party to a dispute arising under the Compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.

(a) The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.

(b) The arbitrator shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the Commission has its principal offices.

(v) Judgment on any award may be entered in any court having jurisdiction.

SEC. 7.103 | ENFORCEMENT ACTIONS AGAINST A DEFAULTING STATE

(a) If the Interstate Commission determines that any state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties:

(1) Damages or costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

(2) Remedial training and technical assistance as directed by the Interstate Commission;

(3) Suspension and termination of membership in the Compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by- laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state, the majority and minority leaders of the defaulting State's legislature, and the state council.

(b) The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this Compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default.

The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this Compact shall be terminated from the effective date of suspension.

(c) Within sixty (60) calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.

(d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(e) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.

(f) Reinstatement following termination of any compacting state requires both are enactment of the Compact by the defaulting State and the approval of the Interstate Commission pursuant to the rules.

SEC. 7.104 | JUDICIAL ENFORCEMENT

(a) The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

SEC. 7.105 | ESCALATION AND REPORTING OF DISPUTES

(a) Escalation of Disputes

(1) Upon becoming aware of any complaint or dispute arising under the Compact, any commissioner, State council member, or other interested person may notify the executive director of the facts and circumstances giving rise to the dispute or controversy. Upon receiving notice of such a complaint or dispute, the executive director shall create and maintain an administrative file for the dispute, and forward copies of the complaint and administrative file to the commissioner for the state where the dispute originated.

(2) The executive director and any relevant commissioners shall make all necessary efforts in good faith to resolve any disputes arising under the Compact. At the discretion of the executive director, an ongoing dispute shall be issued one of the following designations:

(i) Level One – The executive director and compact commissioners continue to work cooperatively to achieve Compact compliance.

(ii) Level Two – The executive director may consult with other members of the commission, including its standing committees.

(iii) Level Three – The executive director may refer the matter to the chair of the Compliance Committee.

(iv) Level Four – The executive director and the chair of the Compliance Committee may refer the matter to the Executive Committee for the consideration of an enforcement action.

(3) At any time, either the executive director or the chair of a standing committee may request an opinion from the Commission's general counsel regarding an ongoing dispute or complaint.

(4) An administrative file maintained by the executive director shall include copies of all correspondence and relevant documents obtained by the executive director in connection with an ongoing dispute or complaint arising under the Compact and shall be maintained in accordance with the Commission's data retention policies.

(b) Reporting of Disputes

(1) At any time after becoming aware of a complaint or dispute arising under the Compact, the executive director may file a report regarding the same with any of the Commission's standing committees. Such a report shall include a statement regarding the facts and circumstances which gave rise to the dispute, a request for specific action by the Committee, and a copy of the administrative file for the dispute.

(2) Notwithstanding the escalation procedure in (a), the chair of the Executive Committee shall be authorized to notify other representatives of a member state's government of the existence and status of any dispute or complaint arising under the Compact and to coordinate and cooperate with such representatives in any way necessary to resolve the dispute or complaint, or to ensure compliance with the Compact.

(c) Upon receiving a referral of a dispute or complaint arising under the Compact, whether pursuant to this Rule or otherwise, the chair of the Executive Committee shall schedule a special meeting of the Executive Committee for the express purpose of discussing the referral as soon as may be practical under the circumstances. Timely notice of this special meeting shall be provided to the commissioners for any state whose conduct or interests are at issue in the referral, and any commissioner receiving such a notice shall be entitled to attend the indicated special meeting of the Executive Committee.

CHAPTER 800
State Coordination

SEC. 8.101 | COORDINATION BETWEEN STATES AND COMMISSION

(a) Compact Commissioner Appointment and Resignation

(1) As required in Article VIII, each member state shall appoint a commissioner to oversee the enforcement of the Compact in that state, and to coordinate as necessary with the Commission and other member states.

(2) Each member state shall notify the executive director and the chair of the Executive Committee upon the appointment of a new commissioner for that state or upon the resignation of that State's commissioner.

(3) A member state shall have a period of ninety (90) days in which to fill any vacancies created by the resignation of its commissioner. A state's failure to appoint a new commissioner within ninety (90) days of that position becoming vacant shall be grounds for the executive director or the chair of the Executive Committee to refer that state to the Compliance Committee for the consideration of an enforcement action.

(4) Additional procedures and requirements for the appointment and resignation of commissioners may be specified by the Executive Committee.

(b) State Council Appointments, Meetings, and Reports

(1) As required in Article VIII, each member state or commissioner shall be responsible for assisting the appointing authority with appointments to the state council, maintaining, and governing a state

council within their state to oversee the resolution of disputes arising under the Compact and to ensure the cooperation of all necessary state agencies in the enforcement of the Compact.

(2) Each commissioner shall be given a period of one (1) year from the date of their initial appointment to establish and staff their state council if one is not already in place at the time of their appointment. A commissioner's inability to establish and staff their state council within one (1) year from the date of their initial appointment shall be grounds for the executive director or chair of the Executive Committee to refer the member state represented by such a Commissioner to the Compliance Committee for the consideration of an enforcement action.

(3) Additional procedures and requirements concerning the management of each commissioner's state Council may be specified by the Executive Committee.

(c) Annual Reporting by Commissioners

(1) No later than June 30 of each calendar year, each Member State, acting through its Commissioner or other representative, shall submit the following information to the Executive Director or the Chair of the Executive Committee:

(i) A current state council membership roster, including contact information for each council member;

(ii) Contact information for two distinct points of contact for the state (i.e., Compact commissioner, Military Family Education Liaison, State Department of Education, etc.);

(iii) A summary of the accomplishments, activities, presentation, or other actions undertaken by the state council during the preceding year; and

(iv) Any other information which the Executive Committee may require.

(2) The executive director or chair of the Executive Committee shall promptly notify any member state whose information is not received as required above. The failure of a member state to submit any outstanding information within sixty (60) days of such notice by the executive director or the chair of the Executive Committee shall be grounds for that state's referral to the Compliance Committee for the consideration of an enforcement action.

MIC3

The Commission Rules were approved and adopted at the Annual Business Meeting in November 2009.

Amendments

The following amendments were adopted at the Annual Business Meetings:

2011

- Rule 2.103(d) governing the "Dues Formula"

2012

- Rule 3.102(b) defining "Kindergarten enrollment"

2018

- Rule 2.103 governing the "Dues Formula"
- Rule 2.105 regarding "State Councils"

2022

- Rule 1.101 (a) defining "Accreditation"
- Rule 1.101 (q) defining "School Board
- Rule 3.102 "Application for, Transfer of Student Records and Enrollment"
- Rule 6.102 "Eligibility for Extracurricular Participation"

2023

- Rule 1.101 (w) inclusion of "Space Force"
- Rule 2.101 regarding "Adoption of Rules; Amendment"
- Rule 2.102 regarding "Data Collection and Reporting"
- Rule 7.105 "Escalation and Reporting of Disputes"
- Rule 8.101 "Coordinating Between States and Commission"

2025

- Rule 2.103 governing the "Dues Formula"

2026

- Rule 1.101 defining "Substantially Comparable Graduation Requirements"
- Rule 4.103 regarding "Substantial Comparability and Course Waivers"

MILITARY INTERSTATE CHILDREN'S COMPACT COMMISSION
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