

# MIC3...NEWS, VIEWS AND TRANSITIONS

Newsletter for the Interstate Commission on Educational Opportunity for Military Children

## ARKANSAS AND DC JOIN THE COMMISSION

By *W. John Matthews III, MIC3 Program Specialist*



The 2013 legislative session is in full swing for the Interstate Commission and the Department of Defense. Coming off a successful 2012, the Commission and the Department of Defense looked to inch ever closer to having all 50 states on board. The first part of the year has already yielded some wonderful surprises.

On February 26, Arkansas Governor Mike Beebe formally signed Senate Bill 15, “The Interstate Compact on Educational Opportunity for Military Children.” Arkansas is the 44th state to join the Military Interstate Children’s Compact Commission and the first state this year. A ceremonial bill signing of Senate Bill 15 was held on Tuesday, March 5, 2013 at 9:45 AM CST in the Governor’s Conference Room at the Arkansas State Capitol, Little Rock, Arkansas.

“We thank Gov. Beebe for signing this important interstate compact,” said Kathy Berg, chair of the Military Interstate Children’s Compact Commission. “The addition of Arkansas to the commission benefits the children of those in our armed forces and recognizes the sacrifices of our military families. We also thank Senator Eddie Williams and his colleagues in the Arkansas House and Senate for helping to resolve education transition issues for military children as they transition to and from Arkansas and other compact member states.”

Arkansas was just the start of our legislative success. Upon returning from the 2012 MIC3 Annual Commission Meeting, the Interstate compact took a significant move in the District of Columbia, passing the City council on December 18, 2012. The bill moved to the Mayor’s desk where it was enacted without his signature on February 11, 2013. However, the Interstate Compact then moved to Congress for review per the procedure in the District of Columbia. The Interstate Compact received approval from Congress and was published in the DC Register on March 8, 2013.

Currently we have legislation moving in three other states, Idaho (House Bill 324), Montana (Senate Bill 203) and New York (Senate Bill 1213). Montana is moving with strong support. It has already passed the Senate, been concurred by House Education Committee, and is now in second readings in the House.. “There are united proponents for the Interstate Compact in Montana,” said Jackie Harriman, DoD Regional Liaison for the Western Region. “We are extremely hopeful about Senate Bill 203 passing during the 2013 session. The addition of Montana will benefit all military families.”

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## MESSAGE FROM THE EXECUTIVE DIRECTOR

Thank you for taking the time to review the spring edition of our MIC3 newsletter!

We at the National Office have been very busy since our last publication. We are encouraged by the compact signing in Arkansas which becomes our 44th state as well as that of the District of Columbia. Ed Kringer's DoD team have worked very hard to encourage membership and facilitate the passage of the necessary legislation to help us attain this significant milestone. We continue to work with several other states and the future looks promising for Montana and hopefully New York to join very soon.



During our November business meeting the decision was made to hold our 2013 meeting in California. Richard Pryor and I will be meeting Chairman Kathy Berg in San Diego in April to conduct a site visit. I will also be attending California's state council meeting while on this trip. As in previous years we will be shopping for a hotel that offers the conference rate for three days prior to and after the meeting to afford attendees the opportunity to stay late or come early to visit some of the sites in this magnificent city. Chairman Berg and the Executive Committee are planning a meeting that will be educational as well as entertaining. Please let us know if there is anything that we can do to make this meeting the best yet.

Our MIC3 mission is to assist military children in four key areas; enrollment, eligibility, placement and graduation as they transition from one school system to another. The Governor's of our forty-one member states have or will soon appoint a Commissioner and State Council who are critical to the resolution of any issues that may arise as a result of these transitions. The staff at the national office provides support and assistance to the Commissioners and Councils.

We are excited about the opportunity to minimize educational barriers to children of the members of our armed forces who have given so much in service to our great nation.

## 2013 LEGISLATIVE SESSION (Continued from Page 1)

New York promised to be the toughest test of the legislative session. In 2012, New York passed the Interstate Compact through the Senate only to get hung up in the House Education Committee. We feel confident that we can break through this year and get New York to adopt the Interstate Compact.



Idaho has come on quickly at the tail end of the legislative session. In a mere week it has already been heard by committee and passed the House. The bill now moved to the Senate.

Meanwhile, there are two states that are in the process of reaffirming the Interstate Compact, Florida and North Dakota. Florida has companion bills moving through the Florida legislature, Senate Bill 138 and House Bill 7003. Senate Bill 138 is in second readings in the Senate after passing committee hearing. House Bill started as a proposed committee bill, but had not moved since being formally introduced. Recently it began to move, receiving a favorable recommendation from the House Education Appropriation Subcommittee. Both bills have been amended to address the dues situation that has plagued Florida for the last several years by moving funds to the Department of Education. We will be continuing to monitor these bills and the Appropriations bill as it goes through to ensure the funds are not line-itemed.

North Dakota House Bill 1293 is designed to reaffirm the Interstate Compact as well. North Dakota MIC3 Commissioner Davina French has been active in monitoring the progress of this bill. The bill has already passed the House of Representatives, 91-0, and passed the Senate 47-0. It has been transmitted to the Governor for his signature.

We have had recent interest by Idaho. This has become House Bill 324. In the space of one week, this bill has moved from introduction to passing the House by a vote of 62-4. It has moved to the Senate and been assigned to the education committee for review.

The Commission and National Staff are committed to getting every state on board. Currently, 96 percent of the active duty military children are covered. We look forward to making that 100 percent.

## MESSAGE FROM THE COMMISSION CHAIR

*Kathleen Berg, MIC3 Chair, Hawai'i Commissioner*

The Interstate Compact on Educational Opportunity for Military Children was established to make school transitions easier for the children of military families so that they are afforded the same opportunities for educational success as other children and are not penalized or delayed in achieving their educational goals.

One key to the success of such a compact is inclusion of all the schools involved so that they all follow one set of rules and policies. This requires that all of the states of the union adopt the Compact and place it in statute. Amazingly, this has almost been accomplished.

The growth in membership in this Interstate Compact has seemingly set a record. Membership has increased at a rapid and steady rate since the establishment of the Compact in July 2008 by the first 11 member states. By January of 2009, there were 12 member states; a year later by January of 2010, there were 27. January of 2011 saw us with 35 member states, which increased to 39 by January 2012. January of this year, 2013, found us with 43 member states and with the Compact covering over 90% of the military dependent children enrolled in the nation's public schools. And now by spring 2013, with the recent addition of Arkansas, we find membership of the Compact at 44 states and the District of Columbia, Washington DC. There are active efforts ongoing in 2 of the remaining 6 non-member states' legislatures, so we continue to close in on our ultimate goal of winning the commitment of all of our states' public schools to ease school transitions for military children.



The past successes and the ongoing accomplishments are the result of dedicated efforts by the Commission and the MIC3 National Office staff, working with the Department of Defense, the Council of State Governments, national organizations, and state leaders who see the fairness and justice of the Compact goal to ensure educational opportunity for military children. The Department of Defense Educational Activity has also agreed to follow the Compact rules and policies for students transitioning to and from DoDEA schools and public schools in the Compact member states. All of these efforts facilitate the cooperation and collaboration of school officials across the country to level the playing field for all of our military children, ensuring that they get the same educational opportunities as other children and are not penalized because their parents chose to serve in the country's armed services in defense of our nation.

## APRIL IS THE MONTH OF THE MILITARY CHILD

*By W. John Matthews III, MIC3 Program Specialist*

Kathy Berg, MIC3 Chairman, and the Military Interstate Children's Compact Commission will recognize and observe April 2013 as the Month of the Military Child.

This special celebration is a legacy of former Defense Secretary Caspar Weinberger and was established to underscore the important role children play in the Armed Forces community. Military children are our nation's children. Care of military children sustains our fighting force and strengthens the health, security and safety of our nation's families and communities. It is important to emphasize and recognize the role that military children play while a parent or important adult is serving. The Military Interstate Children's Compact Commission is committed to resolving the educational transitional issues that are faced by these children and their families.

Across the Nation, Friday, April 12, 2013 has been proclaimed "Purple Up for Military Kids" Day. We encourage people to wear purple on that date to show support of our military kids and honor and thank them for their sacrifices. Check for events in your area celebrating this month.

Please take time this month to recognize the service of our military servicemen and women, their families and their children.

**PURPLE UP!**





## REAFFIRMING THEIR COMMITMENT: ARIZONA

*by Maxine Daly, Arizona MIC3 Commissioner Designee*

Governor Jan Brewer recently completed her appointments to the Arizona State Council for the Education of Military Children. While Arizona was one of the first eight states to pass legislation related to MIC3, the newly formed State Council met for the first time on January 9, 2013. MIC3 Executive Director, Brigadier General (Ret.) Norman Arflack, launched the meeting by reviewing the mission, history and purpose of the Interstate Compact including the growth in state memberships. His presence demonstrated the national unity exemplified by the Compact states.



Maxine Daly, Acting State Commissioner, reviewed the content of the Interstate Compact legislation focused on transitioning and successfully integrating students into our schools. She was very appreciative of the Resource CD provided by the Training Committee. She adapted the Hawaii power point for her use with the new Council.

Part of the session was used to introduce the members and to generate a list of concerns from those around the table. These generally fell into the areas of high school course placement for honors and gifted students; promptness related to special education placements; local school district variations in GPA calculation used in determining class rank for transfer students; and the variations of math sequencing related to the four years of math now required for graduation in Arizona. Members felt that Arizona schools were perceived as receptive to the needs of children once these needs are identified. However, enrollment forms do not capture information which would identify students of military families. Therefore, unless a parent makes the affiliation clear, schools operate without this critical piece of information. The State Council members felt that both education and military leaders need to assist in creating a greater awareness of the Compact within schools, but also in the military families as they prepare to move. A "hot topic" both here and nationally is the question of whether or not the children of military families should be included as a subgroup in our student data base. Doing so would allow schools to target support in the transition process and to collect data to determine how Arizona's children fare in our educational system.

The Council generated a list of possible communication targets to assist in getting information out about the Compact to those who have a need to know. They will be forming a Communications Team to identify key groups and lay out a plan of action for reaching them. As a part of this effort, Maxine will be presenting at the Annual Arizona School Counselor Association Conference in late March.

The next full meeting of the Arizona Council will occur in mid-September to surface items for consideration during the National Meeting of Compact States in November.



## RESOLVING EDUCATION TRANSITION ISSUES FOR MILITARY FAMILIES

## THE IMPORTANCE OF STATE COUNCILS

*By W. John Matthews III, MIC3 Program Specialist*

There are two primary audiences when communicating about the Interstate Compact on Educational Opportunity for Military Children: Educators and the Military. While the Commission has a tremendous ally in the Department of Defense, communicating with the military and their families, it is up to the states to disseminate information down to the school districts and school administrators. The Interstate Compact was constructed with this very idea in mind.

Article VIII of the Interstate Compact address “State Coordination.” Part of this section calls for the creation of a state council. While the composition of the council may vary slightly, along with the appointing authority, the council’s general membership remains basically the same from state to state:

- the state superintendent of education
- superintendent of a school district with a high concentration of military children representative from a military installation
- one representative each from the legislative
- one representative from the executive branches of government
- other offices and stakeholder groups the State Council deems appropriate
- If a member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

Designed to serve as an advisory and advocacy body of state policy makers and experts, each state council may be tasked with development of policy concerning operations and procedures of the compact within that state. Part of these responsibilities is to help the state MIC3 commissioner inform school district and administrators about the existence of the Interstate Compact.

Currently only 75 percent of the states that have adopted the Interstate Compact have put their state councils in place. It can be challenging to make sure appointments are made. Many administrations are overwhelmed by the number of vacancies they must attempt to fill. That is part of the reason why the composition of the state councils is more specific.

The MIC3 Public Relations and Training Committee developed a Strategic Communications Plan for the Commission that can be adapted at the state council level. The state councils play a vital role communicating the Interstate Compact to the school districts.

## Joining Forces with MIC3

In an effort to further knowledge of the Interstate Compact and the Commission, General Arflack and the National Staff are working with Dr. Jill Biden and the Joining Forces program. Joining Forces is a comprehensive national initiative to mobilize all sectors of society to give our service members and their families the opportunities and support they have earned. The objective of the Interstate Compact, resolving the education transition issues faced by military families, is the perfect opportunity to partner for the benefit of military families. We look forward to working with Dr. Biden and her team.



## UPCOMING EVENTS

March 28	Maine State Council Meeting	Portsmouth, ME
April	Month of the Military Child	
April 9	MIC3 PR and Training Committee Conference Call	
April 12	Florida State Council Meeting	Tallahassee, FL
April 15	Wyoming State Council Meeting	Cheyenne, WY
April 17	Tennessee State Council Conference Call	
April 24	California State Council Meeting	Camp Pendleton, CA
May 7	Ohio State Council Meeting	Columbus, OH



## THE LEGAL BRIEF

### *Enforcement Issues and MIC 3 – Who has Legal Standing?*

*By Rick Masters, MIC3 General Counsel*

In a recent edition of this Newsletter the binding nature of the compact was discussed in the context of enforcement of its provisions by the member states acting collectively through the Commission as established under the provisions of the compact. Since that time there have been some questions which have arisen as to those who have ‘standing’ to enforce the provisions of the compact in the event of non-compliance. As a follow up to the prior article and in response to subsequent questions, the following is intended to promote greater awareness to this aspect of the compact and the statutory basis for the exercise of these prerogatives.



The Interstate Commission has a responsibility to ensure that the Interstate Compact and the governing rules are applied and upheld by all member states and their local school districts. Unfortunately, not all issues can be resolved at the local and state level. The enforcement provisions of the Interstate Compact allow for the National Commission Office to intercede and mediate such issues and assist the states in finding equitable solutions, if possible. The contractual nature of the compact requires all parties to the agreement (the member states) to abide by the commitments that have been made to each other when the compact was enacted by each state. The ‘philosophy’ behind the enforcement clauses of the compact is to use the least amount of ‘coercion’ necessary to bring about compliance. Most of the time this can be accomplished through technical assistance and training or through alternative dispute resolution processes such as mediation and arbitration, which are provided as alternatives under the Compact. While recourse to the legal process can be used as a last resort, experience has shown that this seldom necessary. Questions of interpretation should be sent to the Executive Director through the State Commissioner.

While the above prerogatives seem to be generally understood by the various compact stakeholders, perhaps less clear is the extent to which any persons or entities have legal ‘standing’ to take action to enforce its provisions. The concept of standing relates to the right of a party to make a legal claim or seek judicial enforcement of a legal duty or right. Whether a party has standing is predicated upon either statutory or common law authority. In the case of a statute, in order for a person or entity to have standing to make such a claim the provisions of the statute must be examined to determine upon whom the language of the compact has conferred standing and whether a particular claimant falls in that category. In the case of the compact, such standing to bring claims for non-compliance and to enforce the provisions of the compact is reserved exclusively to the member states acting collectively under the compact and through the Commission.

In its most recent pronouncement on the subject the U.S. Supreme Court unequivocally held that obligations imposed by a duly authorized interstate commission are enforceable on the states. Moreover, such commissions may be empowered to determine when a state has breached its obligations and may, if so authorized by the compact, impose sanctions on a non-complying state. See *Alabama v. North Carolina*, 560 U.S. \_\_\_, 130 S.Ct. 2295, 176 L.Ed.2d 1070 (June 1, 2010).

In addition the Court made clear that an interstate compact commission composed of the member states may be a party to a compact lawsuit under the original jurisdiction of the U.S. Supreme Court if such claims are wholly derivative of the claims that could be asserted by the party states. *Id.* Moreover the Court held that when construing the provisions of a compact, in giving full effect to the intent of the parties, it may consult sources that might differ from those normally reviewed when an ordinary federal statute is at issue, including traditional canons of construction and the Restatement (Second) of Contracts. *Id.* at 2308-12.



While it is important that incidents of non-compliance with the provisions of the compact should be brought to the attention by those who work most closely in the implementation of its provisions such as public school officials and school liaison officers, as well as the military families which the compact was enacted to support, it is important to understand that none of these individuals are conferred with standing to seek judicial enforcement of the provisions of the compact or authorized rules.

## MIC3 COMMISSIONERS: Getting to Know

### NORTH CAROLINA - David Phillips



David Phillips serves as North Carolina's Commissioner for Interstate Compact on Educational Opportunity for Military Children. He is the in-house attorney for the Cumberland County Board of Education. He represents the Board in all legal matters, to include civil litigation in District and Superior Court, administrative and employment law, as well as legal training of staff.

Prior to David's current position, he served as an Assistant District Attorney for Cumberland County, NC. David is also a veteran of the U.S. Army, 82nd Airborne Division, where he served as an Infantryman and Radio Operator in an Airborne infantry company. He is also a board member on the Arts Council

Raised in Raleigh, North Carolina, David now lives with his wife, Andrea, a teacher, and their two children in Fayetteville, North Carolina. When not working, he enjoys going to the coast with family and fishing.

## MIC3 COMMISSIONERS: Getting to Know

### OKLAHOMA - Dr. Pam Deering



Dr. Pam Deering is Oklahoma Commissioner for Military Interstate Children's Compact Commission. She was appointed by the Governor in 2009. She also serves as the Finance Chair and Treasurer for the Interstate Compact for Education Opportunity for Military Children,

Dr. Deering was named as the new Superintendent for the Mid-Del Schools on March 12, 2012. Prior to her appointment as Superintendent, she served as Deputy Superintendent of Fiscal Services and Human Resources.

Dr. Deering graduated in 1970 from Elmore City High School. She received her Bachelor of Science degree in Elementary Education from East Central University in 1973. She then received her Master of Education in Supervision and Special Education from Texas Women's University in 1976. Deering received her Doctor of Philosophy in Education Administration-Curriculum and Instruction from the University of Oklahoma in 1997.

She is very active in professional and civic organizations. She currently serves as President of the National Council of Impacted Schools, Board Member for the Central OKC Red Cross, Tinker Air Force Base COMMSTAR Leadership Program, Oklahoma Association Serving Impacted Schools, Association of School Business Officials International, Midwest City Leadership Class of 2006, Oklahoma Association of School Business Officials, Rotary Club of Midwest City, former Junior League of Norman, and Member of Meadowood Baptist Church of Midwest City.

Dr. Deering has received the Oklahoma Association of School Administrators, Central Office Assistant Superintendent of the Year, 2009-2010; Oklahoma Association of School Business Officials, School Business Official of the Year, 2009-2010; Association of School Business Officials International Eagle Award, 2003; and Midwest City Rotary Club Rotarian of the Year Award, 2003-2004.

She is married to Major General Myles Deering, The Adjutant General for the Oklahoma National Guard. They are proud parents of Daniel and wife Heather and granddaughter, Adelyn.



## MIC3 COMMISSIONERS: Getting to Know

*TEXAS - Michael L. Williams*



Michael L. Williams was appointed as the new MIC3 Commissioner from Texas by Governor Rick Perry in October 2012, as part of his duties as the Texas Commissioner of Education. As Commissioner, Williams heads the Texas Education Agency, which oversees pre-kindergarten through high school education for approximately five million students enrolled in both traditional public schools and charter schools. The agency also oversees basic adult education throughout the state.

As Commissioner of Education, Williams serves as the Governor's appointee to the Southern Regional Education Board, the OneStar National Service Commission, and the Education Commission of the States.

Williams' appointment as Commissioner is the latest in what has been a lifetime of public service. After earning a Bachelor's, Master's and law degree from the University of Southern California, Williams returned to his hometown of Midland where he served as an assistant district attorney. He went on to become a federal prosecutor in the Reagan Justice Department, earning the attorney general's Special Achievement Award for the conviction of six Ku Klux Klan members. Williams prosecuted the KKK cases under heavy armed guard after receiving death threats.

President George Herbert Walker Bush appointed Williams as Deputy Assistant Secretary for Law Enforcement at the U.S. Department of the Treasury. Williams had policy oversight responsibility for the Federal Law Enforcement Training Center, the U.S. Secret Service, the U.S. Customs Service, the Bureau of Alcohol, Tobacco and Firearms and the Financial Crimes Enforcement Network.

In 1990, President Bush named Williams the Assistant Secretary of Education for Civil Rights at the U.S. Department of Education. In that job, he acted as the principal advisor to the President and Secretary of Education Lamar Alexander on civil rights matters. He led the charge to establish much of the DOE policy still in effect today regarding increased investigative resources to issues such as the overrepresentation of minority males in special education, the underrepresentation of females in advanced placement curriculums, racial harassment on college campuses, and the treatment of limited-English proficiency students.

In 1998, Gov. George W. Bush appointed Williams to an unexpired term on the Railroad Commission of Texas, the oldest regulatory body in this state. The three-member commission oversees oil and gas regulation. Texans subsequently elected him to this position in 2000, 2002 and 2008.

Known as a calm leader during a crisis, Gov. Perry selected Williams as his designee in 2005 to lead the state's long-term relief efforts following Hurricanes Katrina and Rita. Williams also initiated the Texas response to the tragedy in Darfur.

He is a past Honorary State Chairman of Big Brothers Big Sisters of Texas. He chaired the Texas Juvenile Probation Commission and has served on the board of directors of the Arlington Chamber of Commerce.

He previously served as an adjunct professor at Texas Southern University in the School of Public Affairs, the University of Texas of the Permian Basin, and the Texas Wesleyan School of Law. He also serves as Chairman of the UTPB Business Advisory Council.

The son of public school teachers (who earned degrees in math) and the husband of a mechanical engineer, Williams is the creator and co-sponsor of "Winnovators," a summer camp for 6th through 12th graders to help inspire the next generation of scientists, technologists, engineers and mathematicians. Williams also narrates short stories for children of all ages, including the visually impaired and those with special needs.

He and his best friend, Donna, celebrate 27 years of marriage.