



PUBLIC NOTICE:

Request for Public Comment **on Proposed Rule Changes**

In accordance with Article XII, Section B of the Interstate Compact for Educational Opportunity for Military Children and Chapter 200, Section 2.101(c) of the Rules for the Interstate Commission on Educational Opportunity for Military Children, and the Government in Sunshine Act, 5 U.S.C. § 552b, the Interstate Commission on Educational Opportunity for Military Children hereby gives notice of the proposed rule changes to Rule 2.102 and Rule 3.102. These rule changes are to be discussed and voted on at the 2011 Annual Meeting of the Commission to take place November 13-15 at the Galt House Hotel and Suites in Louisville, Kentucky. This meeting shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Interstate Compact.

The agenda for this meeting is available at the Commission web site, www.mic3.net, or by email at MIC3INFO@csg.org.

Per the Bylaws, the Docket Book for this meeting can be downloaded from www.mic3.net.

A public hearing is scheduled:

Place: Galt House Hotel and Suites
140 North 4th Street
Louisville, KY 40202

Date: November 13 – 15, 2011

Interested persons may submit their public comments to the Commission regarding these proposed changes in writing comments to:

Brig. General (Ret.) Norman E. Arflack
Executive Director
2760 Research Park Drive
Lexington, KY 40578
narflack@csg.org
Phone (859) 244-8000
Fax (859) 244-8001

or through

MIC3INFO@csg.org

Rule 2.102

Current:

- (a) The Commission shall determine the formula to be used in calculating the annual assessments to be paid by states. 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) The dues formula shall be based on the figure of one dollar per child of military families eligible for transfer under this compact.

Proposed Change:

Sec. 2.102 (d) shall be amended as follows:

- (d) The dues formula shall be based upon the figure of one dollar per child of military families eligible for transfer under this compact, and beginning in FY 2014 this calculation shall be based upon the State in which each military family resides, except that effective FY 2013, and each year thereafter, no state dues assessment shall exceed the sum of sixty thousand dollars (\$60,000.00) per year and effective FY 2014, and each year thereafter, no state dues assessment shall be less than two thousand dollars (\$2,000.00)."*

This is based on the following recommendations from the Ad Hoc Committee and the Executive Committee:

- The dues format should be changed from "Assigned" to "Reside" effective **FY 2014**
- A dues floor of **\$2,000.00** effective **FY 2014**
- A dues ceiling of **\$60,000.00** effective **FY 2013**
- A reserve fund is to be maintained by the Commission to be maintained
- States new to the Interstate Compact after January 1, 2012 will be assessed dues under the new format.

Justification [Reason for the proposed Rule per MIC3 Rule 2.102 (c)]:

The justification for this proposed rule is that the Department of Defense data on which the MIC3 commission has relied in past years to compute dues assessments is based upon where the military member is assigned rather than where the military family resides. The Executive Committee's rationale is that it is more equitable for each state to be assessed dues (\$1.00/ per child of a military family) based upon the children who actually reside in that state and avail themselves of the educational programs provided by the public schools of that state rather than the state where one or both of their parents are assigned by the military. The minimum and maximum dues 'floor' and 'ceiling' is an effort bring more fairness to the dues assessment so that states with minimal numbers of children, in some cases only a few hundred, are not being directly 'subsidized' by states with larger military populations for purposes of expenses incurred by the Commission for travel by each state's commissioner to the Annual Business meetings and other related expenses and to reduce the dues burden on larger states to the extent possible while still maintaining sufficient funding for the activities of the Commission and its administration through the national office.

The Executive Committee based its recommendation on a study of the issue conducted by the Ad Hoc Dues Committee which prepared a detailed report, including dues projections under the proposed new formula and which will be provided at the annual meeting.

Rule 3.102

Current:

(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 a LEA in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency 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.

Proposed Change:

A motion was made and passed by the Executive Committee that the following paragraph be considered for addition to rule 3.102. This language is forwarded to the Rules committee for consideration.

“In the case of a kindergarten student, the enrolled student must have attended class for at least one day in the sending state in order to continue enrollment in kindergarten in the receiving state.”

The issue is the meaning of the word “enrollment” in regards to kindergarten children. It is recommended that a change may need to be made to avoid any future misunderstandings and maintain the original intent of this rule.

Justification *[Reason for the proposed Rule per MIC3 Rule 3.102 (b)]:*

The Executive Committee's concern is the issue raised by the absence a definition in either the compact or the rules of the meaning of the word "enrollment," particularly as the terms of the compact and the rules are applied to kindergarten students. A prior MIC3 Advisory Opinion pointed out that because the term '**enrollment**' is not defined in either the compact or the rules this proposed amendment recourse to the common use of the word as defined in the dictionary. The Executive Committee submits that this may result in an overly broad application of the rule and the proposed amendment will provide clarification that entering kindergarteners (who, unlike students in grades 1-12, have not completed a prerequisite grade level), must also have at least attended one (1) class as a kindergartner in order to 'continue their enrollment' as provided under the compact.