



Interstate Compact for Educational Opportunity for Military Children

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What is a Compact?*

- Authority to enter into compacts is granted to states in the US Constitution
- Compacts as a Modern Policy Tool
 - Sustainable and Flexible
 - Legitimate and Transparent
 - Self-Governing
 - Modern

*Information taken from Counsel of State Governments Capitol Research

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Dating back to America's colonial past, interstate compacts are one of the few tools specifically granted to states by the U.S. Constitution. Inclusion of compacts in the Constitution provided state policymakers with a viable alternative to federal intervention. The growth of the modern compact provides states with a sophisticated administrative mechanism, allowing interstate collaboration to resolve complex policy challenges. The modern administrative compact enables the states—in their sovereign capacity—to act jointly and collectively, generally outside the confines of the federal legislative or regulatory process. During the last 75 years, more than 150 compacts have been created. Compacts of old were traditionally bistate agreements aimed at resolving relatively simple disputes such as border disagreements but modern compacts provide states a flexible and sustainable tool capable of addressing complex policy challenges.

Interstate compacts provide one of the most sustainable and durable tools available to the states to foster interstate collaboration. While state policymakers have access to other means such as memorandums of understanding and uniform state laws, neither mechanism has the strength or durability of a compact. To that end, an interstate compact provides states with the most viable method to implement meaningful change through interstate collaboration and without the need for congressional action.

First and foremost, interstate compacts are both sustainable and flexible. Because compacts are passed through a state's legislature and signed into law by the governor, they carry the same weight as statutory law. Despite having the strength of law behind a compact, most modern compacts remain flexible enough to allow for change and evolution over time.

In addition to being sustainable and flexible, a compact, when developed and structured correctly, ensures transparency and legitimacy from development and implementation through the governing process. This is done by allowing all interested stakeholders to participate during the compact's development, by making all commission business open to the public, by allowing public comment on the rules and bylaws, by permitting ex-officio member participation, and by allowing nonmember states an opportunity to voice their opinion on the compact's operations.

Once operational, most modern, sophisticated regulatory compacts that cover complex issues and span multiple jurisdictions feature an administrative interstate agency called a commission. The commission, typically comprised of representatives from each member state, serves as the compact's governing body, allowing the larger agency to respond quickly and efficiently to policy challenges as they arise.

Finally, because of their flexible nature, modern compacts frequently allow member states to utilize technology to carry out the compact's mission and foster collaboration. Compacts such as the Interstate Compact for Juveniles, the Interstate Compact for Adult Offender Supervision and the newly drafted Prescription Monitoring Program Compact rely heavily on a sophisticated technology infrastructure to facilitate the exchange of information on an interstate level. This exchange of information would be next to impossible on an individual state basis. However, compacts allow states to collaboratively pool resources, creating economies of scale and allowing for the development and utilization of technology to cost-effectively improve public policy.

The Interstate Compact for Educational Opportunity for Military Children - History

- Also known as the Military Interstate Children's Compact
- 2006: Compact drafted to address educational challenges transitioning children of military families encountered.
- 2007: Advisory group finalized the model statute language, adopted by several state legislatures within six years. Currently, the 50 states and the District of Columbia are members of the Compact, and the Department of Defense is ex-officio, non-voting member of the Commission.

In 2006, the U.S. Department of Defense (USDOD) Office of Personnel and Readiness, in cooperation with the Council of State Governments (CSG) and National Center for Interstate Compacts, drafted the Interstate Compact for Educational Opportunity for Military Children, also known as the Military Interstate Children's Compact, to address some of the educational challenges transitioning children of military families encountered. The Defense State Liaison Office (DSLO) and CSG convened an advisory group comprised of federal, state, and local officials, national stakeholder organizations representing education groups; and military families to create the interstate agreement. In 2007, the advisory group finalized the model statute language, which the USDOD promoted as one of their key priorities for military families, and through the DSLO advocacy, was adopted by state legislatures within six years.

The Interstate Compact for Educational Opportunity for Military Children - History

- The Compact deals with the challenges military children and their families face due to frequent relocations.
- It allows for uniform treatment as military children transfer between school districts and states.
- Minnesota became in member state in 2014 by adopting the compact through legislation (Session Law 272, Article 10 and Minn. Stat. §127A.85)
- All 50 states and the District of Columbia are currently compact members.

Why did it take eight years for MN to join the compact? DOD recruiting efforts focused first on states with high active duty military populations. Minnesota does not have an active duty military installation and has a relatively small number of active duty military personnel. In 2011, DOD began efforts to have Minnesota join the compact, including a letter from then Defense Secretary Robert Gates to Governor Mark Dayton. MDE and the Minnesota Department of Military Affairs began collecting information on potentially joining the compact. In 2013, Governor Dayton received a letter from First Lady Michelle Obama, encouraging Minnesota to join the compact. Compact legislation was included in the 2014 Governor's policy bill and was passed into law and signed by Governor Dayton.

Who is covered by the Compact?

- A student enrolled in **public K-12** education living in the household of a full-time duty status member of 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. Section 1209 and 1211.
 - Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement.
 - Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.
- Minnesota has approximately 1,000 military dependents ages 5-18

A student enrolled in **public K-12** education living in the household of a full-time duty status member of 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. Section 1209 and 1211.

Members or veterans of the uniformed services who are severely injured and medically

discharged or retired for a period of one year after medical discharge or retirement.

Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

A few important notes here, the compact only applies to public schools. In Minnesota, this includes charter schools but does not apply to nonpublic schools. The compact is also K-12 specific, there are no protections in the compact for early childhood (including Pre-K) or higher education.

Minnesota has approximately 1,000 military dependents ages 5-18 according to Department of Defense Data

Who is NOT covered by the Compact?

- **The Compact does not apply to children of:**
 - Inactive members of the national guard and military reserves
 - Members of the uniformed services now retired not covered in the above
 - Veterans of the uniformed services not covered in the above
 - Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Responsibilities of Schools under the Compact

- The Compact and associated rules apply to sending and receiving schools in four areas:
 - Educational and Enrollment Records
 - Graduation Requirements
 - Placement and Attendance
 - Eligibility

Educational and Enrollment Records

Unofficial or “Hand-Carried” Education Records

Official Education Records/Transcripts

Immunizations

Kindergarten and First Grade Entrance Age

A. Unofficial or Hand Carried 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.

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 days or within such time as reasonably determined under rules promulgated by the Interstate Commission.

C. Immunizations - Compacting states shall give 30 days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization(s) required by the

receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. 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 local education agency 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.

Placement and Attendance

- Course Placement
- Educational Program Placement
- Special Education Services
- Placement Flexibility
- Absence Related to Deployment Activities

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student 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 if the courses are offered. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

B. Educational program placement - The receiving state school shall initially honor placement of the student in educational programs based on the 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). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services - (1) in compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), United States Code Annotated, title 20, 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 (2) in compliance with the requirements of Section 504 of the Rehabilitation Act, United States Code Annotated, title 29, section 794, and with Title II of the Americans with Disabilities Act, United States Code Annotated, title 42, sections 12131 to 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. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility - Local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities - 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 the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

Graduation Requirements

- Waiver Requirements
- Exit Exams/End of Course Exams
- Transferring Beginning or During Senior Year

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In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

- A. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency 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, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

- B. Exit exams - States shall accept: (1) exit or end-of-course exams required for graduation from the sending state, (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 Article VII, Section C shall apply.

- C. Transfers during senior year - Should a military student transferring at the beginning

or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. 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 Sections A and B of this Article.

- Special Power of Attorney
- Charging Tuition
- Noncustodial Parents
- Eligibility for Extracurricular Participation

A. Eligibility for enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial 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.

B. Eligibility for extracurricular participation - State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise

qualified.

The Military Interstate Children's Compact Commission

- Otherwise known as "MIC3"
- Representatives from all 50 states + D.C. and Ex-Officio members
 - "Compact Commissioner" – MDE Commissioner by statute. Daron Korte, Compact Commissioner-Designee
- Powers and Duties
- Meets annually at Annual Business Meeting (ABM). 2024 ABM – November 2024 in Albuquerque, NM

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The Interstate commission shall have the following powers:

Dispute resolution, rules promulgation and bylaw creation, issuing advisory opinions, compact compliance, employee MIC3 national office staff, appoint committees, elect officers, manage the MIC3 budget.

B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions.

D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

E. To establish and maintain offices which shall be located within one or more of the member states.

F. To purchase and maintain insurance and bonds.

G. To borrow, accept, hire, or contract for services of personnel.

H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section E, which shall have the power to act on

behalf of the Interstate Commission in carrying out its powers and duties hereunder.

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

M. To establish a budget and make expenditures.

N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

O. To report annually to the legislatures, governors, judiciary, and State Councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

P. To coordinate education, training, and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity.

Q. To establish uniform standards for the reporting, collecting, and exchanging of data.

R. To maintain corporate books and records in accordance with the bylaws.

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

P-20 Council and the Compact

- Compact statute requires a “State Council”
- 2014 Legislative Session = The “Unsession”
- P-20 Statute – 127A.70, subdivision 1, paragraph (d)
 - “P-20 education partnership shall be the state council...”

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Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities.

While each member state may determine the membership of its own State Council, its membership must include at least: 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 and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate. 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.

(d) The P-20 education partnership shall be the state council for the Interstate Compact on Educational Opportunity for Military Children under section [127A.85](#) with the commissioner or commissioner's designee serving as the compact commissioner responsible for the administration and management of the state's participation in the

compact. When conducting business required under section [127A.85](#), the P-20 partnership shall include a representative from a military installation appointed by the adjutant general of the Minnesota National Guard.

2024 Tentative Legislative Policy Proposals

- Establishing a standalone State Council, apart from P-20, for compact duties
- Expanding compact coverage to children of National Guard and Reserve components within Minnesota

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Establishing a standalone State Council, apart from P-20, for compact duties

- Frequency of meetings
- Size and relevance of membership
- Efficiency and service to military students

Expanding compact coverage to children of National Guard and Reserve components within Minnesota

- National movement, priority of MIC3
- Mobility exists for Guard and Reserve, career advancement
- Minnesota, small active duty population, more sizable Guard and Reserve population

Questions? Comments?

- Contact information

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Thank You

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