

MIC3...NEWS, VIEWS AND TRANSITIONS

Newsletter for the Interstate Commission on Educational Opportunity for Military Children

2012 MIC3 ANNUAL MEETING A BIG SUCCESS

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



The Interstate Commission on Educational Opportunity for Military Children recently hosted their Fifth Annual Commission Meeting on November 15-17, 2012 in Charleston, South Carolina. The Commission meeting, led by Acting Commission Chair Kathleen Berg of Hawaii, was attended by 37 of the 43 member states. Also in attendance were ex-officio members of the Commission and other interested parties having business or association with the Commission.

The meeting began on Thursday, November 15th, with the Commissioner Orientation Session. The training was open not just to the new commissioners, but to all who wanted a better understanding of the Interstate Compact, the Commission, State Council composition, and how the Compact is applied. The new training and power point was developed and led by a group of veteran commissioners (Rosemarie Kraeger (RI), Kathleen Berg (HI), Cheryl Serrano (CO) Pam Deering (OK), Anne Wescott (VA)), the MIC3 Executive Director BG Norman Arflack, and MIC3 General Counsel Rick Masters. The training was extremely well attended. All Commissioners and attendees of the meeting were given a copy of the new MIC3 Toolkit. The Toolkit contains a multitude of materials that the commissioners and state councils can utilize to promote the Interstate Compact. Experienced commissioners even remarked on the improvement of the training from the previous year.

The business portion of the meeting took place on November 16th and 17th. The Commission voted to approve a rule change to Rule 3.102(b) of the Rules of the Interstate Commission, defining "Kindergarten enrollment." This change was made effective immediately.

The issue was the meaning of the word "enrollment" in regards to kindergarten children. 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 is necessary to avoid recourse to the common use of the word as defined in the dictionary. The Executive Committee submitted that without this amendment an overly broad application of the rule may result. The amendment provides 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. It was recommended that the change be made to avoid any future misunderstandings and maintain the original intent of the rule. The change is meant to be a floor not a ceiling, allowing the member states to be more flexible if they so desire.

2012 MIC3 ANNUAL MEETING *continued on page 5...*

IN THIS ISSUE

- Message from the Executive Director
- Message from the Commission Chair
- Legislative Session 2013
- Spreading the Word: Wisconsin
- The Legal Brief
- North Dakota: A School Liaison Perspective
- Commissioners: Getting to Know
- Georgia - MG(R) David Bockel
- Illinois - Brian Reigler





MESSAGE FROM THE EXECUTIVE DIRECTOR

BG(Ret.) Norman E. Arflack, MIC3 Executive Director

As we close out another successful year, I want to thank you for taking the time from your busy schedule to review the “holiday” edition of our MIC3 newsletter. As I take this opportunity to wish all of you a Merry Christmas and prosperous New Year, I would be remiss if I failed to mention that my thoughts and prayers are with all who are affected by the recent tragedy in Newtown, Connecticut.

We, at the National Office have been very busy since our last publication. Most notably, we held our annual meeting in Charleston, South Carolina in November. State representation was outstanding. The Commission completed some very important business during their meeting. We dealt with one major rules change which will impact the future operation of the organization.

Commissioner Kathy Berg who had been serving as acting Chairman following Mark Needham’s resignation, was elected to a full term as Chairman. Additionally, the FY14 budget was presented and approved. The document will be validated at the end of this Fiscal Year to insure that we in the National Office are being good stewards of the Commission’s financial resources. Pam Deering, MIC3 Treasurer and Commissioner from Oklahoma, presented the first external audit of the Commission’s financial practices.

A number of states volunteered to host next year’s conference which will be held in the November timeframe. We are in the process of reviewing those recommendations and with the assistance of respective Commissioners will be visiting the prospective venues to discuss the advantages of each. I anticipate that we will be able to select sites for the next two years at a minimum. Thanks for all your support!

This time last year our membership stood at 39 states. What a great year it has been as our numbers have grown to 43. We look forward to a busy year in 2013 as we work with our DoD partners to grow our membership with recruitment of the remaining 7 states and the District of Columbia.

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 governors of the forty-three 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. It has been my pleasure to visit many of you during your state council meetings; I look forward to that opportunity in 2013. It is our pleasure as your staff at the National Office to provide 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.

Please visit our website, www.mic3.net, to learn more about our organization and what we are doing to facilitate this important cause.



MESSAGE FROM THE COMMISSION CHAIR

Kathleen Berg, MIC3 Chair, Hawai'i Commissioner

The Interstate Commission on Educational Opportunity for Military Children—nicknamed the Military Interstate Children’s Compact Commission or MIC3—had a very productive annual meeting just a few weeks ago. With commissioners now back at home and the holidays upon us, we want to remember all the good things learned to apply to each of our state’s efforts to carry out the promise of the compact to ease the transitions of military dependent students from state-to-state and school-to-school as their military parents’ service requires them to move. This military service often requires separation from families, as well, and during this holiday season our hearts go out to those families who have parents deployed, away from home and loved ones. Holidays are a time for families to be together, so we wish for all to stay safe and connected in some way over the distances.

We offer our deep-felt gratitude to those who serve our nation and endure the sacrifices to self and family that often entails. Please know that you and your families are in our thoughts, and MIC3 is dedicated to supporting our military children. If MIC3 can help in any way, we hope families will not hesitate to contact their state commissioners or the MIC3 national office.



Happy Holiday from all of us, and for 2013 we wish you a very Happy New Year.

A LOOK AHEAD: LEGISLATIVE SESSION 2013

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

The 2013 Legislative Session is fast approaching. Seven states remain that have not adopted the Interstate Compact into state law. The Commission and National Office have already started working diligently with our Department of Defense partners. Session for many of these non-member states will begin in January. The National Office will be tracking this legislation once it is introduced.

The states that have yet to adopt the Interstate Compact include: Arkansas, Idaho, Minnesota, Montana, New Hampshire, New York and Oregon. The two largest military populations still outstanding are Arkansas and New York. Four of these (AR, MT, NH, and NY) should have legislation introduced early in 2013. Executive Director Norman Arflack and General Council Rick Masters have already made visits to Arkansas and Montana to advocate on behalf of the Interstate Compact.



Arkansas State Senator Eddie Joe Williams has indicated that he would sponsor a bill for Arkansas to recognize the Interstate Compact on Educational Opportunity for Military Children. Sponsors for the Interstate Compact legislation are being identified by our DoD partners.

Before we start tracking new legislation, there is still some outstanding legislation from 2012. The District of Columbia, while not a state, can adopt the Interstate Compact. Currently their legislation (B19-0328), has completed public hearing and has passed first readings. Second readings are scheduled for December 18 at 10 AM in the Council Chambers. If the Council approves the Bill at second reading, the Bill is then sent to the Mayor for his consideration. The Mayor may take one of three actions when he considers the Bill: 1) sign the legislation; 2) allow the legislation to become effective without his signature; or 3) disapprove the legislation by exercising his veto power. If the Mayor vetoes the legislation, the Council must reconsider the legislation and approve it by two-thirds vote of the Council in order for it to become effective. Once the Mayor has approved the legislation or the Council has overridden the Mayor's veto, the legislation is assigned an Act number.

Although at this point the Bill has effectively become an Act, its journey to becoming a law that must be obeyed by the populace is not yet complete. Unique to the District of Columbia, an approved Act of the Council must be sent to the United States House of Representatives and the United States Senate for a period of 30 days before becoming effective as law (or 60 days for certain criminal legislation). During this 30-day period of congressional review, the Congress may enact into law a joint resolution disapproving the Council's Act. If, during the 30-day period, the President of the United States approves the joint resolution, the Council's Act is prevented from becoming law. If, however, upon the expiration of the 30-day congressional review period, no joint resolution disapproving the Council's Act has been approved by the President, the Bill finally becomes a Law and is assigned a law number.



There is also one member state that will be reapproving the Interstate Compact in 2013: Florida. Florida Commissioner Bob Buehn is working with Florida legislature to get this done.

The Commission and National Staff is 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.





SPREADING THE WORD: WISCONSIN

by Shelley Joan Weiss, Wisconsin MIC3 Commissioner

The members of the Wisconsin Council for the Interstate Compact are enthusiastic about spreading the word about the great work that our Council and MIC3 does for and on behalf of the military children. The WI Council meets a minimum of twice each year, but between meetings the members communicate extensively with each other, sharing information and keeping each other informed. The WI Council is using a variety of methods to share the work of the WI Council and of MIC3. Following are some ideas and activities they use to spread the word:

- Website that is updated frequently
- Featured articles on State Superintendent Tony Ever's online newsletter
- Tweets that are shared widely to direct folks to the state and national website
- Dissemination of materials through the Department of Military Affairs (DMA) at various family activities
- Dissemination of materials through the state School Liaison Officer based at Fort McCoy
- Collaborating with the state affiliate of the USO to share materials at events like the Brewer's Military Appreciation night
- Encouraging connections with well known groups such as the Green Bay Packers
- Working directly with the various educational groups to present and share materials at annual conferences such as: Wisconsin Association of School Boards, Wisconsin School Counselors Association, Association of Wisconsin School Administrators, Wisconsin Association of School Councils, Wisconsin Association for Middle Level Education, and others.
- Participating in training offered through MCEC and DMA affiliated organizations and sharing information with other participants
- Sharing MIC3 brochures and state commissioner contact information during school visits across the state
- Using list serves through the Department of Public Instruction (DPI) and other associations and agencies to share information with a wide group of individuals
- Posting brochures and state commissioner contact information in locations that military families frequent
- Connecting members of the education and military community to support joint messages to the various publics
- Creating "op eds" to promote special occasions such as month of the Military Child
- Sharing resources used by MCEC to support military children (e.g., book, Building Resilience in Children and Teens by Dr. Kenneth Ginsburg) with Council members and others



We hope that these ideas are useful to others. We are very eager to learn what Commissioners and Council Members from other states are doing to advocate for the children of military families! Please submit your ideas to MIC3 so everyone can benefit from your creativity!



2012 MIC3 ANNUAL MEETING (Continued from Page 1)

At the start of the afternoon session, the Commission had a special presentation by Darren Dean, Military Family Education Liaison in Hawaii, Cherise Imai, Military Liaison, Hawaii State Department of Education, and Fred Murphy, Principal, Wheeler Elementary School, Wheeler Army Airfield. Their presentation consisted of highlighting the uniqueness of the Hawaii State Council and the application of the Compact. They also accented programs that help military children and their families acclimate to the constant change presented by the lifestyle of the military. These programs have helped to ease student transition and welcome them to their new home Hawaii.



After the presentation, Commissioners and Ex-Officio members were divided into four breakout groups to discuss questions submitted prior to the meeting. These included:

- What do you do in your state that might be considered a “best practice?”
- What is the status of implementation of the Interstate Compact in your state?
 - o Commissioner appointed?
 - o State Council formed? Held meetings?
 - o Military Family Education Liaison selected?
 - o Implementation plan/training program initiated?
 - o Other?
- How does your state educate school and district staffs about the compact and its rules?
- What has been your state’s experience with reciprocity on exit exams for graduation?
- How have your schools dealt with graduation with diplomas from the sending states?
- How can we involve the National Guard more?
- Many school districts around the nation maintain that they already make the accommodations that are required in the Compact, so ask what is the advantage of being a member, especially since it involves paying dues. How do you answer that question?

Business on Saturday was composed of the election of Commission officers, committee assignments and committee meetings. The new Commission Officers are Chair Kathleen Berg (HI), Vice Chair Kate Wren Gavlak (CA), and Treasurer Pam Deering (OK). Committee Chairs for 2012-13 are Pam Deering (OK) - Finance, Mary Gable (MD) – Rules, Laura Anastasio (CT) – Compliance, and Rosemarie Kraeger (RI) – PR and Training.

A special thanks goes out to the Air force Sergeants Association who sponsored on of the breaks during the Annual Meeting. John R. “Doc” McCauslin, Chief Executive Officer, made presentations to General Arflack and Kathy Berg for their hard work advocating on behalf of military families and their children.

The Commission business was concluded with the nomination of several locations for the 2013 MIC3 Annual Meeting. The MIC3 staff was charged with researching the locations to determine the logistical viability for the various locations. The Staff would then submit the locations back to the commission for final approval of a location.

UPCOMING EVENTS

| | |
|-------------|--|
| December 20 | Kentucky State Council Meeting |
| January 2 | New Hampshire Session begins |
| January 7 | Montana Session begins |
| January 8 | Minnesota Session begins |
| January 14 | Arkansas Session begins |
| | Idaho Session begins |
| January 29 | Maine State Council Meeting, Portsmouth Naval Shipyard |
| February 4 | Oregon Session begins |
| February 15 | Georgia State Council Meeting |



THE LEGAL BRIEF

By Rick Masters, MIC3 General Counsel

An Important Legal Victory for Interstate Compacts

As an interstate compact which is not required to have the approval of Congress, MIC 3 and other such compacts, as discussed in a previous issue of the newsletter, do not enjoy the status of federal law. However as an interstate compact the Contract Clause of the Constitution clearly forbids states from 'impairing the obligation of contracts' (See U.S. Constitution, Art. I, Sec. 10, Cl. 1) including interstate compacts such as MIC 3. In a significant published decision in July of this year, the California Court of Appeals reaffirmed this principle when the Court was called upon to review certain provisions of the Multistate Tax Compact to which the State of California was a member.



The compact which was drafted in 1967 has been adopted by 19 states and promotes interstate uniformity among state revenue departments. The compact requires member states to equally consider a company's sales, property and payroll taxes when determining what percentage of the company's income is taxable. The compact also allows companies to apportion their taxable income under state laws if those are more generous.

California, which joined the agreement through legislative action in 1974, followed the compact's formula until 1993, when the state's legislature passed a bill that modified the existing formula, resulting in higher taxes for out-of-state companies. Gillette, Proctor and Gamble and other multi-state companies that conduct business and pay taxes in California challenged the legality of this action in 2010.

According to those challenging the validity of this statute, this action of the Legislature violated the above referenced Contract Clause of the U.S. Constitution, and an equivalent provision of the California Constitution by 'impairing the obligations of contracts,' namely the applicable provisions of the Multistate Tax Compact. In a unanimous ruling in the case, *The Gillette Company v. The Franchise Tax Board*, California's First District Court of Appeals concluded, "because the Compact is both a statute and a binding agreement among sovereign signatory states, having entered into it, California cannot, by subsequent legislation, unilaterally alter or amend its terms."

While the case primarily addressed California's method of collecting and allocating tax dollars from companies that do business across state lines, it brought into question a state's ability to unilaterally amend the terms of a compact it has joined.

Significance for MIC3

The court's ruling represents a significant victory for states broadly and interstate compacts specifically. In the decision, the court unequivocally held that an interstate compact, even one without Congressional consent, trumps conflicting state law based upon the Contract Clause of the U.S. Constitution. The decision reinforces the principle that when states elect to join an interstate compact, the compact takes legal precedence over conflicting state laws, even if the state law was passed subsequent to the adoption of the compact.

Just as importantly for interstate compacts, the court's ruling reinforces prior compact jurisprudence which precludes a state from unilaterally modifying the terms of a compact, as long as it is part of existing state law. The ruling also suggests that all member states of a compact are equal. While interstate compacts inhibit a state's ability to act unilaterally, they allow states to work together to maintain collective sovereignty.

The notion of collective sovereignty is maintained by the appellate court ruling and illustrates as well as upholds another significant advantage provided to states by interstate compacts.



NORTH DAKOTA: A SCHOOL LIAISON PERSPECTIVE

By Matthew Balas, School Liaison Officer, Minot Air Force Base

In the spring of 2011, I began my work at the Minot AFB as the School Liaison Officer. Surprisingly, I was immediately thrown into the world of politics, with an emphasis on the Interstate Compact for Education Opportunities for Military Children. Our statewide coalition consisted of Air Force members and their families, community leaders, local legislators, and miscellaneous MIC3 supporters. Their mission was to go for broke and make any effort necessary for HB 1248 to pass and be enacted so that the state of North Dakota could become a member of MIC3. Not having any familiarity with the Compact, I hit the ground running and quickly began researching the information on the MIC3 website, along with collecting anecdotal evidence from local MIC3 supporters. Through my research, I found two important facts that were stumbling blocks for the possibility of passing the proposed bill. First, during the 2009 legislative session, this bill was proposed and did not pass through the senate. Secondly, many members of the legislation and education system did not support the concept of having outside entities dictate what the schools could or couldn't do with our military children inside our educational system.



With the attitude that our schools already take care of our children, the 2011 legislative session was proving to be an uphill battle for the passing of the bill. I had researched, campaigned for local support and researched more, and finally the day came for legislative testimony. The room was overflowing with state supporters, military members and their families, political supporters, and even a group of military children. After hours of testimony, both in favor of MIC3 and a few opposed the bill, I was convinced that we would prevail in these efforts that were focused on providing military children the same opportunities as every other child. It is not the military child's choice that they at times are not treated fairly based on a parent's decision to serve his/her country. Returning to Minot after the hearing, my confidence quickly began to fade as I started hearing rumblings that the bill wasn't going to pass. A few days later, the legislative committee published that they were recommending a "no pass" of HB 1248.

Although my spirit was broken, I witnessed true coalition building on a statewide level. The national MIC3 office remained positive as did many of the local supporters, while military entities banded together and provided a united front. The North Dakota National Guard advocated for the bill and overwhelmingly took the lead and stood with the Minot and Grand Forks Air Bases in support of our military children across the state, even though the Interstate Compact has minimal impact on National Guard members and their families. The National Guard led the way for the next eleven sub-committee hearings and fought the fight for the children. The ND National Guard has an incredible deployment record having provided in excess of 4,000 members to support efforts around the world during the past 10 years in support of the Global War on Terror and other worldwide missions. They understood the need to take on a noble cause for all branches of the service, both active duty and traditional drilling members of the guard and reserve. It was about North Dakotan's doing the right thing for children.

The continued persistence of the leadership of the ND National Guard, the Air Base Commands, and many other critical Compact supporters across the state, succeeded in the final passage of the bill. The prevailing winner was not particular people or legislators or even ranking military officials. The benefactors of HB 1248 are the thousands of military youth across our nation. They are now guaranteed equitable treatment while transitioning to North Dakota schools. North Dakota became a proud member of the Interstate Compact that spring and joins the ranks of the many states who believe that our future leaders of tomorrow are worth taking care of today.

Although the National Guard doesn't have as many children affected by frequent moves and relocations as the active duty uniformed services, there still are situations where National Guard members are activated and their children meet the qualifications to receive benefits stated within the Compact. Since the National Guard and Reserves had played such an active role in the Global War on Terror, the numbers of military children that are entitled to receive educational benefits through the has grown rapidly. Whether these NGR children change schools to go live with an in-state relative or an out-of-state guardian while their parent has been activated and deployed, the Compact member states need to ensure that their state NGR leaders are informed about the Compact so that these military children are afforded all of their legal rights as described in the Compact. Taking care of the military children is what the Compact is all about and engaging with NGR leadership is imperative for all member states.



MIC3 COMMISSIONERS: Getting to Know

GEORGIA - Maj. Gen (Ret.) David Bockel



Major General (Ret.) David R. Bockel was appointed the Commissioner for the State of Georgia in October 2012 by Governor Nathan Deal. General Bockel is the executive director of the Georgia Military Affairs Coordinating Committee (GMACC).

Bockel was most recently Executive Director of the 68,000-member Reserve Officers Association of the United States (ROA). ROA partners with federal leaders to develop and execute legislation and military policies that will promote strong national security, especially as they relate to sustaining both the Reserve and National Guard forces.

Bockel retired from the Army Reserve in 2003 after a 37-year military career, including a tour in Vietnam with the 25th Infantry Division and the 199th Infantry Brigade. His command positions held include: Commanding General, 90th Regional Support Command; Deputy Commanding General (IMA) of United States Army Reserve Command; Commander, US Army Reserve Readiness Command; and Deputy Commanding General of the 311th Theater Signal Command.

Bockel's civilian career included owning a successful advertising company in Atlanta, Ga. as well as being active in numerous business, civic, and military organizations in the city. Bockel holds a Bachelors of Science in Marketing from the University of Alabama, as well as being a graduate of the U.S. Army Command and General Staff College and the U.S. Army War College.

Bockel is married with two children, both of whom are Georgia residents.



ILLINOIS - Brian Reigler



Brian Reigler serves as the Commissioner from Illinois to the Military Interstate Children's Compact Commission (MIC3) and the chair of the Illinois Educational Opportunities for Military Children Council (IEOMCC), also known as the P-20 Council. Unlike other states, the State Council appoints with the governor's approval.

Principal Reigler brings his experience as a principal, a teacher, a high school administrator, and over 26 years of military experience to the Commission. Previous to his being appointed principal of the Waukegan High School in 2012, Mr. Reigler served as the principal of Crete-Monee High School since 2009, and Herscher High School from 2004-2009.

Additionally, Mr. Reigler goes about his day with the following quote in mind: "Excellence is the result of caring more than others think is wise, risking more than others think is safe, dreaming more than others think is practical, and expecting more than others think is possible."

As a naval officer, Mr. Reigler was deployed for one year to Baghdad, Iraq during the 2007-2008 school year to serve as a military liaison to the senior leadership within the Iraqi Government. It was here in the middle of a combat zone, he developed a more keen and dedicated sense of leadership that he brings to Waukegan High School. "Being over there with all that I witnessed on a daily basis forces you to reexamine who you really are and what you are doing with your life. I returned from overseas a much more patient and dedicated leader in my mind," Reigler states. Mr. Reigler's proven ability to work with diverse social and educational groups and his military background made him an ideal fit to serve as the MIC3 Commissioner.

Mr. Reigler received a Bachelor of Arts degree in History and Geography from Valparaiso University. He also has a Master's degree in Educational Administration and Policy Studies from the University of Illinois at Chicago. He is currently completing his doctoral degree in Educational Leadership at Northern Illinois University.