
Education Committee

HB 2918

Brief Description: Enacting the Interstate Compact on Educational Opportunity for Military Children.

Sponsors: Representatives Wallace, Chase, Fromhold, Sells, Appleton, Darneille, Rolfes, Kelley, Green, VanDeWege and Conway.

Brief Summary of Bill

- Enacts the Interstate Compact on Educational Opportunity for Military Children.

Hearing Date: 1/25/08

Staff: Cece Clynch (786-7195).

Background:

Interstate compacts are contracts between two or more states creating agreements on how to address particular policy issues, setting standards, or establishing cooperation on regional or national matters. Washington is a party to 22 interstate compacts. Most of these address corrections issues, such as offender supervision and treatment of juveniles, and natural resource issues, such as the Columbia Gorge, Pacific Fisheries, and radioactive waste disposal.

Washington has been a party to at least one education compact. Adopted in 1969, the Interstate Agreement on Qualifications of Educational Personnel is codified in RCW 28A.690. Unlike some other compacts, however, the agreement found in RCW 28A.690 is framed in discretionary rather than mandatory terms and anticipates contract negotiation between the states. The agreement provides that the Superintendent of Public Instruction "may" make one or more contracts with other states providing for the acceptance of educational personnel and then only with the approval of the specific text of the contract by the Professional Educator Standards Board (PESB).

How compacts come to be varies. In some cases, interested states send delegates to a work group to develop the compact terms. This might be down at the agency level or at the legislative level. For example, HB 1038 (2007) established a task force with legislators and Governor-appointed members to negotiate a compact on electrical transmission corridors.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Military Children Compact was developed by a group that included the U.S. Department of Defense, the U.S. Department of Education, national education associations, and representatives of several states. Washington was not a participant in developing the Military Children Compact.

Washington is one of eight states in which a measure has been introduced to adopt the Military Children Compact. No states have adopted it as of this date.

Summary of Bill:

Washington enters into the Military Children Compact and agrees to its terms. It becomes effective after ten states adopt it.

The purpose of the Military Children Compact is to remove barriers to educational success faced by children of military families because of frequent moves and deployment of their parents. It includes specific provisions with respect to four broad areas:

- *Educational Records and Enrollment.* A time line of ten days is established for the sending state to furnish official records to the receiving state. With respect to immunizations, the receiving state must allow 30 days from the date of enrollment for students to obtain any required immunizations or, for a series of immunizations, to obtain the initial vaccination. Students shall be allowed to continue enrollment at the grade level they were in before the move.
- *Placement and Attendance.* Students, at least initially, are to be placed in courses and programs, such as gifted and special education programs commensurate with where they were placed before the move. The Military Children Compact also calls for excused absences related to deployment situations.
- *Eligibility and Residency.* Standards are specified for addressing custody situations experienced by military children.
- *Graduation.* The Military Children Compact requires schools to waive specified course requirements if students have completed similar course work. If the move occurs during the senior year of high school, and the student is ineligible for graduation in the receiving state, then the sending state is to be looked to for the diploma. If the sending state is not a member of the Military Children Compact, then the receiving state shall use best efforts to facilitate an on-time graduation.

Once it becomes effective, an Interstate Commission is created and the Governor of each member state appoints a single person to sit on the Commission. The powers of this Commission include adoption of rules, establishment of an administrative office, receipt and expenditure of funds, compliance enforcement, and dissemination of information. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall adopt a rule binding upon all members.

There are provisions for filing for judicial review of rules adopted by the Commission. A challenged rule remains in effect during the judicial review process unless the court finds that the petitioner has a substantial likelihood of success. A majority of the Legislatures of the compacting states may reject a rule by enactment of a statute or resolution, but this must be done in the same manner as was used by that state to adopt the Military Children Compact in the first place.

The Interstate Commission shall adopt rules providing for both mediation and binding arbitration of disputes and shall attempt to resolve disputes that may arise between member states. The Commission may also initiate legal action in the United States District Court for the District of Columbia against a member state to enforce compliance. The relief may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded costs and reasonable attorneys' fees.

A member state may withdraw from the Military Children Compact by means of a statute repealing the compact, however, withdrawal shall not take effect until one year after the effective date of the statute and written notice by the Governor to each other member state. Dissolution occurs upon the date of withdrawal of the member state that reduces the membership to just one state.

All member states' laws which conflict with the Military Children Compact are superseded to the extent of the compact. Within the bill are specific amendments to several Washington statutes so as to provide for exceptions for students subject to the Military Children Compact to the extent that the laws conflict. These include laws relating to:

- immunization;
- attendance;
- minimum age for kindergarten;
- residency requirements;
- eligibility of transfer students to participate in extracurricular activities;
- official transcripts and immunization records;
- physical education requirements;
- Washington state history and government requirements;
- high School graduation requirements; and
- the Washington Assessment of Student Learning.

There are also some technical changes to statutes being amended, such as changing the reference to "Advanced Placement" to "AP".

Appropriation: None.

Fiscal Note: Requested on January 19, 2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.