

SENATE BILL REPORT

HB 1075

As Reported by Senate Committee On:
Early Learning & K-12 Education, March 26, 2009

Title: An act relating to the interstate compact on educational opportunity for military children.

Brief Description: Enacting the interstate compact on educational opportunity for military children.

Sponsors: Representatives Rolfes, Seaquist, Appleton, Green, McCoy, Conway, Darneille, Williams, Campbell, McCune, Simpson and Morrell.

Brief History: Passed House: 3/05/09, 96-0.

Committee Activity: Early Learning & K-12 Education: 3/23/09, 3/26/09 [DP-WM].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King, Ranking Minority Member; Brandland, Hobbs, Holmquist, Jarrett, McDermott, Roach and Tom.

Staff: Susan Mielke (786-7422)

Background: Interstate compacts are contracts between two or more states by enacting essentially identical statutes to address common problems or promote a common agenda in a uniform manner. Generally, a state must adopt a compact in precisely the terms it is offered, with only nonmaterial changes. Once a state enters into a compact agreement, then the state may not act unilaterally when addressing the issues covered by the compact without withdrawing from the compact. Washington is a party to 30 interstate compacts, including compacts addressing corrections, natural resources, energy, transportation, and other issues.

The Interstate Compact on Educational Opportunity for Military Children (Compact) was developed by a group that included the U.S. Department of Defense (DOD), the U.S. Department of Education, national education associations, and representatives of several states. Washington was not a participant in developing the Compact. Since December 2007, the Compact has been introduced in 32 states: 11 states have enacted the Compact; four states created a task force to study the Compact; and one state passed the Compact, but it was vetoed by the Governor.

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 Compact was introduced in the Washington Senate last year but was amended, and ultimately passed the Legislature, creating a 16-member task force to review and make recommendations regarding the Compact by December 1, 2008. The task force included four state legislators, an assistant attorney general, a representative from the U.S. Department of Defense, a representative from the Office of the Superintendent of Public Instruction (OSPI), a representative from the State Board of Education, representatives from each Educational School District, and representatives from school districts with a high concentration of military children. During the 2008 interim, the task force met six times and considered each provision of the Compact, identified issues or concerns, and issued a report with recommendations to adopt the Compact and take the following additional actions:

1. When state statutes are consistent with the Compact, then there is no other legislative action necessary;
2. When state statutes are silent on the areas addressed by the Compact and, therefore, the decision is currently made at the discretion of the school district, then to either:
 - amend state law to align with the Compact (addressing only children from military families in transition); or
 - amend the Compact to permit some level of discretion to the school districts; and
3. When the state statutes are inconsistent with the Compact, then to either:
 - amend state law to align with the Compact addressing only children from military families in transition; or
 - amend the Compact to align with state law.

Summary of Bill: The Compact is enacted with the changes recommended by the task force. The Compact and the corresponding state law changes apply only to children from military families in transition. The stated purpose of the Compact is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents.

The provisions of the Compact that are consistent with state law are not summarized but include special education services, exit exams, use of national norm-referenced achievement tests, and alternative testing. The following are provisions of the Compact requiring changes to state law or changes to the Compact as recommended by the task force.

Educational Records. If the sending school cannot provide the parent a copy of the official record, an unofficial copy will be provided that may be hand-carried to the school in lieu of the official record. The receiving school must use the unofficial copy to enroll and place the student while the school sends for the official record. Once requested, the sending school has ten days to provide the official record to the receiving school. State law is amended to require school districts to furnish the unofficial copy (if requested), to permit districts to charge the actual cost of providing the copy, and to require the records to be sent in ten days. The Compact is amended to permit the official transcript to be withheld if there is an unpaid fine.

Immunizations. The Compact is amended to require students to meet the immunization documentation requirements of the State Board of Health on the first day of attendance, instead of permitting a student to start school so long as immunization occurs within 30 days.

Kindergarten and First Grade Entrance Age. Students must be allowed to continue at the same grade level in the receiving state, regardless of age requirements. State law is amended to eliminate the current school district discretion in assigning the grade level.

Program and Course Placement. When a student transfers, the receiving state school must initially honor placement of the student in programs and courses based on the student's enrollment in or assessment by the sending state school, if "like" programs and courses are offered. Programs include Highly Capable and English as a Second Language. Courses include Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses. The receiving state may conduct subsequent evaluations to ensure appropriate placement and continued enrollment of the student. State law is amended to provide school district discretion in determining whether the program in the sending state is a "like" program. The Compact is amended to add, "If space is available, as determined by the school district."

Tuition. School districts are prohibited from charging tuition when the student is placed in the care of a person who lives in a jurisdiction other than that of the custodial parent. State law requiring tuition for students who live out of state is amended.

Residency. A student may continue to attend a school when placed in the care of a noncustodial parent who lives in another school district. State law giving school districts the discretion to permit the student to continue attendance is amended and specifies the continuation occurs when the custodial parent is required to relocate because of military orders, and that the nonresident school district is not required to pay transportation costs unless otherwise provided by law.

Extracurricular Activities. The state and school districts must facilitate the opportunity for inclusion in extracurricular activities to the extent the student is otherwise qualified. The Compact is amended to add, "and space is available, as determined by the school district," and to clarify that the state agency responsible for implementing this provision is the Washington Interscholastic Activities Association.

Graduation. School districts must provide alternative means of acquiring required coursework so that graduation occurs on time. States must accept exit or end-of-course exams required for graduation from the sending state; national norm-referenced achievement tests; or alternative testing, in lieu of testing requirements for graduation in the receiving state. The Compact is amended to require school districts to use best efforts to provide alternative means to graduate and to apply the exit exam provisions only to 11th and 12th graders.

The following administrative issues are addressed by the Compact.

State Council. Each state must create a State Council to coordinate the state's participation in, and compliance with, the Compact. Membership must include at least the OSPI, a superintendent of a school district with a high concentration of military children, a representative from a military installation, two legislators, a representative from the Governor's Office, and other members that the State Council deems appropriate. The State

Council must appoint a military family education liaison to assist military families and the state in facilitating the implementation of this Compact. The Governor must appoint a Compact commissioner who is the voting member on the Interstate Commission. The Compact is amended to encourage the Governor to appoint a practicing K-12 educator as the commissioner.

Interstate Commission. The Interstate Commission, composed of the Compact commissioner from each member state, will create and enforce rules governing the Compact's operation and maintain a variety of policy and operations committees. The Commission may initiate legal action in the U.S. District Court of the District of Columbia or the federal district court where the Commission's office is located to enforce compliance with the Compact and the Commission's rules. The Commission must charge each member state dues based on a formula to be determined by the Commission.

Withdrawal. A member state may withdraw from the Compact by repealing the Compact; however, the Compact provides that the withdrawal must not take effect until one year after the effective date of the repeal and written notice by the Governor to each member state.

State law was amended to require the State Council to review the Compact's implementation, and by December 1, 2014, recommend whether Washington should continue to be a member of the Compact.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We are proud of the work of the Task Force and support the recommendation to enter into the Interstate Compact. This will help our military families who move in or out of Washington. Since the hearing on the Senate version of this bill in January, Mississippi has enacted the Compact and it is on the Governor's desk for signature in Virginia. Many other states are considering enacting the Compact. We hope that Washington will enact and fund this effort. The annual fee to belong to the Compact is the bulk of the fiscal costs. The Interstate Compact Commission will pay the travel costs of the state member to the Interstate Commission meetings. The Commission will meet in October to start adopting rules to enforce the Compact and we hope that Washington will be at the table.

Persons Testifying: PRO: Representative Rolfes, prime sponsor; Mark Sansouci, Department of Defense State Liaison Office; Doug Adams, Veterans Legislative Coalition.