

SENATE BILL REPORT

SB 6426

As Reported By Senate Committee On:
Early Learning & K-12 Education, February 06, 2008

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

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

Sponsors: Senators Hobbs, Shin, Swecker, Rasmussen, Fairley, Berkey, Rockefeller, Eide, Schoesler, Fraser, Kauffman, Kohl-Welles and McAuliffe.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/4/08, 2/6/08 [DPS].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6426 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King, Ranking Minority Member; Brandland, Eide, Hobbs, Holmquist, Kauffman, McDermott, Oemig, Rasmussen and Weinstein.

Staff: Roman Dixon (786-7438)

Background: An Interstate compact is a voluntary agreement between states usually enacted into law in the participating states upon federal congressional approval. In general, participating states enter into compact agreements to collectively address issues of concern to the individual states. Washington is a member of several such agreements to include the interstate compact on placement of children, the interstate agreement on qualifications of educational personnel, and the interstate library compact, to name a few. For example, the member states of the interstate library compact list their policy and purpose statement as a desire to cooperate and share responsibilities and those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis.

The Interstate Compact on Educational Opportunity for Military Children (Compact) was developed by the Council of State Governments (CSG), the U.S. Department of Defense Office of Personnel and Readiness, along with representatives from several states and national education organizations. Washington did not participate in developing the compact.

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.

Washington is one of several 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 (Recommended Substitute): The Compact will become effective once ten states have adopted it. In addition to the structure of the compact, four issues affecting military families: enrollment, eligibility, placement, and graduation are addressed.

Applicability. The Compact applies to the children of active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders; members or veterans who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and members who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

Enrollment. Schools must share records timely to expedite the proper enrollment and placement of students. Schools can use unofficial records to process students pending the receipt of official records. Once requested, the sending school has ten days to send official records. Regarding immunization, compacting states must allow 30 days from the date of enrollment for any required immunizations. The Compact also requires that students be allowed to continue their enrollment at the grade level in their receiving state commensurate with their grade level from the sending state.

Eligibility and Tuition. A special power of attorney, relative to the guardianship of a child of a military family shall all be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A local education agency must not charge local tuition to a military child from another jurisdiction placed in the care of a noncustodial parent.

Course Placement. Receiving schools must initially honor placement of the student in educational courses based on the sending state's enrollment and educational assessments, provided that such classes are offered. Schools must conduct immediate and subsequent evaluations to ensure appropriate placement in the best interest of the child's educational advancement. Special education services are subject to the Individuals with Disabilities Education Act in addition to this provision. The Compact also allows additional excused absences related to military deployments.

Graduation. Local education agencies must waive specific courses required for graduation if similar coursework has been satisfactorily completed at another education agency, or provide justification for denial. States must accept exit or end of course exams from the sending state.

Structure of the Compact. Once the Compact 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 the Commission include adoption of rules, establishment of an administrative office, receipt and expenditure of funds, compliance enforcement, and dissemination of information. A representative cannot delegate votes to other member states.

A member state may withdraw from the Compact by enacting a statute that repeals the compact. The statute will not take effect until one year after the effective date of the statute and until written notice of the withdrawal has been given, by the withdrawing state, to the Governor of each other member state. Dissolution of the Compact occurs upon the date of withdrawal of the member state that reduces the membership to one member state.

All member states' laws that conflict with the Compact are superseded to the extent of the conflict. The bill proposes several amendments to current Washington statutes regarding, but not limited to, graduation and physical education requirements, immunization, participation in extracurricular activities, attendance and the Washington Assessment of Student Learning.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Substitute): Schools are instructed to conduct immediate and subsequent evaluations to ensure appropriate placement of the student in the best interest of the child's educational advancement.

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 on Original Bill: PRO: Washington State has the seventh largest concentration of active duty soldiers and families. Children come to Washington expecting a level playing field but it is not happening due to a lack of consistency among the states. This is a readiness and safety issue of great importance for our defense and only the individual states can fix it. By using the very conventional method of the Interstate Compact, this bill seeks to create a uniform floor on common sense issues surrounding the four key areas of student enrollment, eligibility, placement, and graduation. These very real circumstances factor into soldiers' decision making when it comes time to consider remaining in the military. Soldiers expect that the communities they live in will do the right thing. This gives them the peace they need to do their jobs without having to worry about what is going on at home.

OTHER: The second portion of the bill, concerning the Interstate Commission raises concerns. One issue is the rule-making authority that supersedes state statutes. They also have authority to levy funds on member states using a formula that is not identified in the compact. We are not sure what this means; either fiscally or legally. Essentially, this will be a legally binding contract. If we are required to comply, we need to know what compliance means. Maybe a task-force should be brought together to understand the implications of the bill.

Persons Testifying: PRO: Senator Hobbs, prime sponsor; Senator Rasmussen; Norma Melo, School Liaison Officer, Fort Lewis; Mark San Souci, Defense, State Liaison Office; Rick Masters, Keith A. Scott, Council of State Governments; Skip Dreps, Northwest Chapter of Paralyzed Veterans of America.

OTHER: Isabel Munoz-Colon, Office of the Superintendent of Public Instruction.