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## Education Committee

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### SSB 5248

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

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, King, McAuliffe, Brown, Kauffman, Holmquist, Tom, Shin, Hewitt, Brandland, McDermott, Jarrett, Kilmer, Haugen and Roach).

#### Brief Summary of Substitute Bill

- Enacts the Interstate Compact on Educational Opportunity for Military Children (Compact) with certain amendments.
- Amends certain current education laws to achieve consistency with the Compact.
- Requires the State Council which is created by the Compact to review implementation of the Compact and, by December 1, 2014, to recommend to the Legislature whether the state should continue membership in the Compact.
- Includes a null and void clause.

**Hearing Date:** 3/24/09

**Staff:** Cece Clynch (786-7195)

#### **Background:**

##### Interstate Compacts In General.

Interstate compacts are contracts between two or more states, created by enacting essentially identical statutes and agreeing to address particular policy issues in a uniform manner, set uniform standards, or cooperate on regional or national matters. Generally, a state must adopt a compact in precisely the terms it is offered, with only non-material changes. Once a state enters into a compact, the state may not act counter to the agreement without first withdrawing from a compact or it runs the risk of legal action to enforce compliance. Washington is a party to 30

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interstate compacts, including compacts addressing corrections, natural resources, energy, transportation, and other issues.

### Interstate Compact on Educational Opportunity for Military Children.

The Interstate Compact on Educational Opportunity for Military Children (Compact) was developed to remove barriers to educational success experienced by children of military families because of frequent moves and deployment of their parents. The drafters included representatives from the U.S. Department of Defense (DOD), the U.S. Department of Education, national education associations, and several states. Washington was not a participant in developing the Compact. Since December 2007, when it was first introduced, 12 states have adopted the Compact: Arizona, Colorado, Kansas, Oklahoma, Missouri, Mississippi, Kentucky, North Carolina, Florida, Delaware, Michigan, and Connecticut. Washington, followed by other states, created a taskforce to study the Compact and report back to the Legislature.

Washington's 16-member task force included four state legislators, an assistant attorney general, a representative from the DOD, a representative from the Office of the Superintendent of Public Instruction, a representative from the State Board of Education, representatives from each Educational School District, and representatives from school districts with high concentrations of military children. During the 2008 interim, the task force met six times, considered each provision of the Compact, identified issues and concerns, and issued a report. The report can be viewed at:

<http://www.k12.wa.us/LegisGov/2008documents/MilitaryCompactTaskForceReport-December2008.pdf>

The task force recommended that the Washington Legislature adopt the Compact provided that certain identified changes were made, either to state law to make it consistent with the Compact or to the Compact in order to address specific issues that were identified as financially or operationally problematic or unworkable. The task force recommendations can be generally summarized as follows:

1. Where state statutes were found to be *consistent* with the Compact, no other legislative action is necessary and no specific recommendations were made.
2. Where state statutes were *silent* on issues addressed by the Compact, and left to the discretion of the school district, the task force recommended either:
  - (a) specific amendments to state law to align with the Compact (addressing only children from military families in transition); or
  - (b) specific amendments to the Compact.
3. Where state statutes were found to be *inconsistent* with provisions of the Compact, the task force recommended either:
  - (a) specific amendments to state law to align with the Compact (addressing only children from military families in transition); or
  - (b) specific amendments to the Compact.

### **Summary of Bill:**

The Compact is enacted, together with the following changes to the Compact and state law as recommended by the task force:

## Substantive Provisions of the Compact.

*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 10 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 10 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 the 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 non-custodial parent who lives in another school district. State law giving school districts the discretion to permit the student to continue attendance is amended to require continued attendance when the custodial parent is required to relocate because of military orders, and to specify that the non-resident 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.

#### Administrative and Procedural Provisions of 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 Superintendent of Public Instruction, 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 Office of the Governor, 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 a 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.

*Dues.* The dues for each member state will be assessed by the Commission based on a formula determined by the Commission, currently \$1 per military student.

*Consequences of Noncompliance.* 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 relief may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party is entitled to costs and reasonable attorneys' fees.

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

#### Report to the Legislature.

State law is amended to require Washington's 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.

#### Null and Void Clause.

A null and void clause is included, providing that if specific funding for these purposes is not provided in the omnibus appropriations act by June 30, 2009, the act is null and void.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on March 19, 2009.

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