

- SUBJECT:** Interstate Compact on Educational Opportunity for Military Children
- COMMITTEE:** Defense and Veterans' Affairs — favorable, without amendment
- VOTE:** 9 ayes — Corte, Vaught, Chavez, Edwards, Farias, Maldonado, Ortiz, Pickett, C. Turner
- 0 nays
- SENATE VOTE:** On final passage, March 18 — 31-0
- WITNESSES:** (*On companion bill, HB 503 by Geren:*)
For — Carlos Higgins; Thomas Hinton, Department of Defense; Elizabeth Larsen, National Military Family Association; Rick Masters, Council of State Governments; Jerry Patterson, General Land Office, Texas Veterans Land Board; Belinda Pustka, Mike Wohlfarth, Schertz-Cibolo-Universal City ISD; Dale Vandehey, Department of Defense State Liaison Office; Byron P. Steele II; (*Registered, but did not testify:* James R. Cunningham, Texas Council of Chapters-Military Officers Association of America; Dominic Giarratani, Texas Association of School Boards; Josh Sanderson, Association of Texas Professional Educators; Cindy Segovia, Bexar County Commissioners Court; Katherine Zackel, Texans Care for Children)
- Against — None
- On — Jack Sims, Texas Department of State Health Services
- BACKGROUND:** In 2006, the Council of State Governments, along with the U.S. Department of Defense, began examining ways to address challenges facing students from military families. The group focused on four key areas: the transfer of student records; course sequencing and prerequisites; graduation requirements; and ineligibility for extracurricular activities. The Interstate Compact on Educational Opportunity for Military Children was formalized in January 2008 and took effect once legislatures in 10 states formally adopted its provisions. Kansas and Kentucky were the first states to join the compact, and as of April 1, 13 additional states were participating: Arizona, Colorado, Connecticut, Delaware, Florida, Iowa,

Michigan, Mississippi, Missouri, Minnesota, North Carolina, Oklahoma, and Virginia.

DIGEST: SB 90 would enter Texas into the Interstate Compact on Educational Opportunity for Military Children.

The compact's provisions would apply to all children of military service members on active duty, including National Guard members and reservists on active duty orders, as well as the children of service members who were severely injured and medically discharged, veterans who had been retired for one year after medical discharge or retirement, and service members who died on active duty or as the result of injuries sustained on active duty.

The compact's provisions would not apply to children of inactive members of the National Guard or military reserves, service members and veterans who retired or were otherwise discharged for non-medical reasons, or civilian or contract employees of the Department of Defense or other federal agencies.

Educational records. Parents would be allowed to use unofficial school records as provided by the "sending state" — the state from which the military family had moved — for use in enrollment and placement of their children. When enrolling the student, the school in the "receiving state" — the state to which the military family had moved — would have to request the student's official transcripts from the sending state's school, which would have to provide them within 10 days.

Enrollment. Students would be allowed to enroll at the same grade level in the receiving state as they were in the sending state, regardless of age. If a student transferred between school years, the student would be allowed to enroll at the next highest grade level in the receiving state above the one the student completed in the sending state.

Local education agencies in the receiving state would be prohibited from charging local tuition to students living with non-custodial parents or other guardians who lived in an area different from the custodial parent. Students living with non-custodial parents or guardians would be allowed to attend the same school they attended while living with the custodial parent.

Students would be allowed to participate in extra-curricular activities even if the participation deadline had passed.

Placement and attendance. Schools in receiving states would have to honor a student's course and educational placement in the sending state school, including any honors, international baccalaureate, or advanced placement courses, along with gifted and talented and English as a second language programs. The receiving state school would be allowed to conduct subsequent performance evaluations of the student. Local education agencies in the receiving states would have the flexibility to waive course prerequisites or other preconditions for course placement. Special education students would be required to receive services in the receiving state comparable to what they received in the sending state.

Students would be granted additional excused absences to spend time with their parents if one or both of those parents had been called to duty for, was on leave from, or had just returned from deployment in a combat zone or combat support position.

Graduation. Local education agencies in the receiving state would have to waive any courses required for graduation if a student had completed similar courses in the sending state. Receiving states also would have to accept any exit or end-of-course exam results from sending states and the results of any national achievements tests. If courses or exams could not be accepted, the receiving state's local education agency would have to provide alternate means for the student to graduate.

If a student transferred during the senior year of high school and was ineligible to graduate from a receiving state's school even after all alternative exams and courses had been explored, the student could receive a diploma from the school that the student attended in the sending state, provided the student was eligible to graduate from that school.

Administrative provisions. Texas would be required to establish a State Council to coordinate among state and local education agencies and military installations. The council membership would include the state superintendent, the superintendent of a school district with a high concentration of military children, a representative from a military installation, and one representative each from the legislative and executive branches of government. The governor would appoint a compact commissioner to oversee the state's participation in the compact.

Texas would have one voting member on the Interstate Commission on Educational Opportunity for Military Children, the body responsible for overseeing the Interstate Compact. If Texas later wished to withdraw from the Interstate Compact, the state would have to enact a statute repealing the Compact's provisions, but that statute could not take effect until one year after it had been enacted and the governor had provided each other member of the Interstate Commission with a written notice of withdrawal.

In cases of conflict with Texas law, the compact's provisions would control, except in cases of conflict with the state Constitution.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

Adopting the Interstate Compact on Educational Opportunity for Military Children by enacting SB 90 would give school districts the flexibility to make common-sense decisions on how best to serve students from military families. It would allow for the uniform treatment of K-12 students and provide for smoother transitions between schools for students from military families.

Military families often experience difficulties when transferring students to new schools. The average child from a military family will move twice in high school and anywhere from six to nine times between kindergarten and 12th grade. Many deployed service members find themselves distracted by concerns for their children's school experience.

Currently, high school seniors who transfer to Texas schools must be fast-tracked through state graduation requirements, and many students who wish to take part in extra-curricular activities, such as sports or cheerleading, are prevented because they transferred after the participation deadline. There have also been cases where young students eligible to enter first grade in one state moved to another, only to miss the new age cut-off for first grade by only a few days. Requiring families to obtain official, sealed copies of school records can create delays in school enrollment and problems for students who wish to take advanced placement exams. By ratifying the interstate compact, Texas would join other states in applying uniform standards that would benefit both military families and local school districts and schools.

OPPONENTS
SAY: No apparent opposition.

NOTES: The House companion bill, HB 503 by Geren, was considered in a public hearing by the House Defense and Veterans' Affairs Committee on March 11 and left pending.