

WRITTEN COMMENTS

Date of Hearing: February 28, 2011

Committee: House Finance

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent

Title: HB 0004, HD1, Relating to Interstate Compact on Educational Opportunity for Military Children

Purpose: Makes permanent the interstate compact on educational opportunity for military children.

Department's Position: The Department of Education (Department) fully supports H.B. No. 4, HD1.

The Department and has a long history in working with the military to address the transition of military children in and out of Hawaii Public Schools. Through the Joint Venture Education Forum (JVEF), a partnership between the military services and the Department, and the Military Impacted Principals Council comprised of the 57 impacted schools – the partnership has flourished and provided a venue to discuss issues important to both the military and educators. The compact's state council, which includes education and military leaders, provides another opportunity to partner and support students.

Over the past 18 months, the Department has successfully worked with Hawaii State Council members, State Commissioner (Brig Gen Kathleen Berg , HIANG, ret) and our Military Family Education Liaison (Mr. Darren Dean) to understand and discuss the compact rules, train school administrators and personnel, and develop a cohesive communication plan regarding the Hawaii compact. We fully support the DOE's participation in the compact and are committed to continue working with our military partners in easing the transition and providing a quality education for military dependents.

Thank you for the opportunity to testify on this measure.

Testimony of Rick Masters, Special Counsel for Interstate Compacts
The Council of State Governments Re: Interstate Compact on Educational
Opportunity for Military Children

House Finance Committee

IN RE: HB 4

February 28, 2011

Honorable Chair and Members of the Committee, I am Rick Masters, I am currently the General Counsel for the Interstate Commission on Educational Opportunity for Military Children which is the authorized governing body for the Interstate Compact on Educational Opportunity for Military Children of which Hawaii and thirty-four (34) other states are members. I hold a J.D. from the Brandeis School of Law of the University of Louisville and I am licensed to practice law in the Commonwealth of Kentucky as well as both of its U.S. District Courts, I am also admitted to practice before the U.S. Courts of Appeals for the 4th and 6th Circuits as well as the District of Columbia Circuit and the United States Supreme Court. I was formerly an Assistant Attorney General for the Commonwealth of Kentucky and also served as General Counsel for the Council of State Governments where I have continued to act as Special Counsel for Interstate Compacts for the last ten (10) years.

I am also the primary drafter of a number of national compacts including the Interstate Compact for Adult Offender Supervision, which has been adopted by all 50 states, D.C., Puerto Rico, and the U.S. Virgin Islands and the Interstate Compact for Juveniles, the Interstate Compact for the Placement of Children and the Interstate Compact on Educational Opportunity for Military Children which is the basis for the reauthorization of this Hawaii statute contained in HB 4.

I have provided legal advice to a number of existing compact commissions and have litigated court cases concerning disputes in which interstate compact provisions have been at issue in a number of U.S. District Courts and U.S. Courts of Appeals and in state courts. In addition I am a co-author of a book on the subject of interstate compacts published by the American Bar Association in 2007 containing the largest compilation of legal authorities and case citations ever printed on the subject.

This purpose of the compact is to address problems encountered children in grades K-12 who must transfer from one state public school district to another because one or both parents are active duty members of the U.S. military including members of the guard and reserves who are activated or deployed.

To give input into the drafting process **stakeholders involved in public school education in this country served as an advisory group which directed the work of the drafting team. *These groups included The National School Boards Association, The National Association of State Boards of Education, the National Education Association, The National Association of Elementary School Principals, The National PTA, The Military Impacted Schools Association, and the Education Commission of the States.***

In order to provide the desired uniformity to facilitate the transfer of these students from one state to another a compact mechanism is employed which became effective upon the enactment of the compact by ten (10) states in 2008 and since that time twenty-four (24) additional states have joined the compact, including Hawaii, for a total of thirty-five (35) states. Since January of this year the compact legislation has also been introduced in North Dakota, Montana, and West Virginia and Wyoming, with proposed legislation pending in New York and Pennsylvania and a number of the other non-member jurisdictions expected to introduce the legislation this year.

Interstate compacts are a time tested and court tested means of resolving interstate problems which are authorized under Article I, Section 10, Clause 3 of the U.S. Constitution. In our country's 220 year history some 200 compacts have been adopted of which Hawaii is a member of approximately 15 interstate compacts including three (3) compacts pertaining to education.

Interstate compacts have been used for three primary purposes: 1) Boundary disputes between states' 2) Management of environmental resources 3) regulatory compacts which apply to a wide variety of multi-state problems including transportation, insurance regulation, taxation, interstate placement of foster and adopted children, criminal justice and corrections matters such as the transfer of adult offenders across state lines and education.

Compacts allow the states to exercise collective control over matters which are traditionally regulated by the states without surrendering state control to the federal government. Interstate compacts allow the states to avoid the problem of 'fifty (50) different sets of rules' with which to solve interstate problems through a uniform approach while still subject to joint state authority.

This Compact seeks to facilitate equal educational opportunity for the children of military members in four (4) major areas: 1) Enrollment; 2) Eligibility; 3) Placement; and 4) Graduation. For example:

Enrollment

To facilitate the enrollment of a transferred child the Compact provides that the receiving state school will accept a copy of the educational record from the parent if no "certified record" is available and gives the sending state ten (10) days after receipt of the request from the receiving state school to transfer the "official" record.

Eligibility

The compact recognizes that children of deployed military members should be provided with a reasonable opportunity to be included in extracurricular activities in the event of a missed tryout or induction process if the student is otherwise qualified.

Placement

Under the Compact there is a presumption that the sending state's placement was correct and will be continued in that placement if the receiving state offers equivalent courses. However the receiving state may subsequently conduct its own testing of the student and reevaluate & change such placement on that basis after the student has transferred to the new school district. The Compact also recognizes the special education services already required under federal law through IDEA, ICP and ADA. The compact allows some flexibility for deployment related absences.

Graduation

The Compact provides that the states will make reasonable efforts to accommodate the transfer of equivalent courses to facilitate on time graduation including consideration of alternative exit exam requirement being met if the student has successfully completed another national norm-referenced achievement test for those students approaching graduation. If the foregoing steps are not reasonably possible, as an alternative the receiving state will cooperate with the sending state in order to facilitate graduation in the sending state.

In summary, the compact attempts to establish a 'common denominator' among the member states which will remove existing barriers to timely completion of the public education process for these students who by virtue of the decision and commitment of their parent to serve our country are, in many cases, being unfairly penalized.

After reviewing the proposed bill contained in H.B. 4 it is my understanding that the Hawaii State Council on Educational Opportunity for Military Children has recommended that an amendment to Article V, Section (a) be added on page 12, at line 9 at the end of the sentence ending with the word "course" that the following be added: "The receiving school may allow the student to attend similar educational courses within the school district if the receiving school does not offer such educational courses."

Similar language is recommended by amending Article V, Section (b) on page 13, at line 1 at the end of the sentence ending with the word "student" to add the following: "The receiving school may allow the student to attend similar educational courses within the school district if the receiving school does not offer such educational programs."

In my opinion and based upon my training and experience in the field of compact law and my specific knowledge of and involvement in the drafting of this specific compact, the above proposed amendments do not substantially deviate from the material provisions of the interstate compact statutes enacted by the current member states which are signatories to this compact.

Thank you for the opportunity to address the Committee about this important public policy matter and I will be happy to respond to any questions.

Representative Marcus Oshiro, House Finance Committee
February 28, 2011

**Testimony of
Laurie Crehan, Ed.D.
Quality of Life Regional Liaison
Office of the Assistant Secretary of Defense, Military Community & Family
Policy
DoD-State Liaison Office**

**Support of: HB 4 INTERSTATE COMPACT ON EDUCATIONAL
OPPORTUNITY FOR MILITARY CHILDREN**

The Department of Defense State Liaison Office operates under the Under Secretary of Defense for Personnel and Readiness, and the Deputy Assistant Secretary for Military Community and Family Policy. Our mission is to be a resource to state policymakers as they work to address quality of life issues of military families. In her position as state liaison, Dr. Crehan monitors quality of life issues for military families in HI, CA, AZ, and NV. Before coming to work in the State Liaison Office, she worked as an educator, spending over 20 years in the Department of Defense Dependents Schools as a teacher and administrator. In that capacity, she learned first hand of the educational challenges the children of our military members face as they encounter frequent school moves.

Testimony

Chair Oshiro and Members of the House Finance Committee, on behalf of the Deputy Assistant Secretary of Defense, I would like to thank you for the opportunity to submit testimony today as Hawaii considers making the *Interstate Compact on Educational Opportunity for Military Children* permanent.

The Interstate Compact addresses challenges military children face as they move from state to state. These challenges are of utmost importance to military families, and are consistently listed as among their top family concerns as they work to serve our nation in the Armed Forces.

Thirty-five states have already adopted the Compact. Hawaii is one of those states and the Commissioner of the Hawaii State Council, Dr. Kathleen Berg, has taken a leadership role in the National Compact Commission, serving as the Commission Vice-Chair and providing materials for training school officials on the Compact. Representative Mark Takai serves as an ex-officio member of the Compact Commission representing the Military Legislators Association. The Hawaii State

Council has been very active and serves as a model for other states that are just forming their State Council. It would be a great benefit to the National Compact Commission for Hawaii to continue to serve as a strong resource by remaining a member.

On average, most military children will move at least twice during their high school years, and most will attend six to nine different school systems between kindergarten and 12th grade. These frequent moves result in some educational obstacles. Though many states, including Hawaii, have made progress in addressing these educational concerns, there is a lack of consistency *between* states that continues to create difficulties for our military families. Some of these recurring issues include kindergarten start age, participation in extracurricular activities, immunizations, timely transfer of records, placement in appropriate courses, missed or redundant entrance and exit testing, support for children of deployed service members, and on-time graduation. Though one state may do several things right, the next move to another state can create a new set of problems since the procedures are not the same. These issues are addressed in the *Interstate Compact on Educational Opportunity for Military Children*.

The Compact is an agreement among member states to a set of practices that will allow for the uniform treatment of military children transferring between school districts and between states. The Interstate Compact does not ask for special privileges for military children; only that states create a level playing field, and work cooperatively to make it happen. Military children often end up making sacrifices because their parent's are serving our country. The language and intent of the Compact will provide consistency for our military children as they move from state to state and alleviate some of the hardship they encounter.

I would also like to suggest one change in language to SB 813. In ARTICLE XIII, when outlining membership on the State Council, the current Compact statute states there will be a representative from PACOM and from an installation for each Service. The new proposed language adds uniformed to the description of the representative. Since most of the people in the military who work closely with the education of military children are civilian employees, the Compact, as drafted, and as adopted by the other 34 member-states, does not restrict military-related representation on the State Councils to only uniformed military members. This is because such a requirement could result in exclusion of a person, though civilian, who may be the most qualified individual to serve.

I appreciate the opportunity to submit testimony and look forward to Hawaii's leadership in adopting this vital compact supporting our military children by remaining

a member of the Interstate Compact Commission. Please do not hesitate to contact me if you have any concerns or questions.

Dr. Laurie Crehan

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THE OAHU VETERANS COUNCIL

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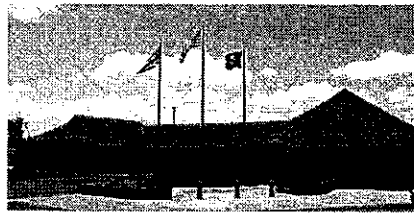
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and Unit 46
Hawaii Multiple Schools Unit - Jr. ROTC
Korean War Veterans Assn. - Chapter 1
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National Sojourners - Honolulu # 11
National Sojourners - Kamehameha #439
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Sons & Daughters of Pearl Harbor Survivors
Special Forces Association. - Chapter VIII
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Veterans of Foreign Wars - Dept. of Hawaii
Veterans of Foreign Wars - Post 970
Vietnam Veterans of America - Chapter 858
Waves National - Unit 131
Women Veterans of America #26



"a gathering place for veterans"
OAHU VETERANS CENTER

January 27, 2011

TESTIMONY IN SUPPORT OF HOUSE BILL 4 RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

COMMITTEE ON FINANCE

HEARING ON MONDAY, FEBRUARY 28TH, AT 2:30M, IN ROOM
308

Aloha Chair Oshiro: The Oahu Veterans Council's member organization's identified in the left margin represent the interests of over 80,000 veterans and their families. This education compact renewal issue was brought to the full council's attention, in Saturday January 22nd. On Thursday, January 27th, our legislative committee decided to testify, in support of House Bill 4, as follows, if requested to do so:

All Oahu Veterans Council delegates performed creditable military service under the flag of the United States of America. We firmly believe renewing this compact with the federal government is a win-win proposition for Hawaii's K-12 Public Education program that our children and grandchildren participate in.

We thoughtfully and respectfully urge your committee to consider encouraging those who may have issues with this policy to set their concerns aside and join us in supporting this funding opportunity.

Mahalo for allowing us to testify this very important Bill.

Fred Ballard

Fred Ballard; President



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Hawaii Chapter, MOAA
P.O. Box 1185
Kailua, Hawaii 96734-1185

Testimony of

Thomas Smyth, President

Military Officers Association of America, Hawaii Chapter

Before the Committee on Finance

Monday, February 28, 2011, 2:30 pm, Room 308

**HB 4 HD 1 Relating to The Interstate Compact on Educational
Opportunities For Military Children**

Chair Oshiro, Vice Chair Lee and Committee Members

Our chapter of 400 retired and currently serving officers of the Uniformed Services continues strong support for the Interstate Compact. HB 4 HD1, as amended, makes the Compact permanent.

We know there were cost and complexity concerns in this approach to helping children of military families transition to new duty stations. Since enactment nearly two years ago, however, these concerns appear to have been addressed. From all accounts we have heard from military families the program works as well as could be expected.

Hawaii has an advantage in having a single state-wide public school system so that whatever public school a military child attends, the transition and course credit policies are the same under the Compact.

As the parent of three children who attended Hawaii public schools and received an excellent education, I can personally say that a program such as this would have made my children's transition to Hawaii easier. Today military children face major emotional challenges dealing with parental deployment, so anything that can ease the transition is needed now more than ever.

Thank you for the opportunity to provide testimony on this important measure.

THE OAHU VETERANS COUNCIL

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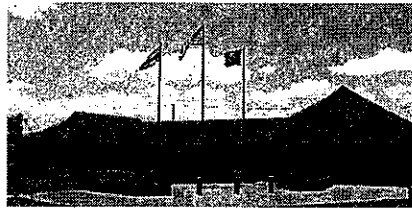
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THE CHAMBER OF COMMERCE OF HAWAII

1132 Bishop Street, Suite 402

Honolulu, HI 96813

Testimony to the House Committee on Finance

February 28, 2011

2:30 p.m.

Conference Room 308

Agenda #6

RE: HOUSE BILL NO. 4 HD1, RELATING TO THE INTERSTATE COMPACT ON
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Chair Oshiro, Vice Chair Lee, and members of the committee.

My name is Charles Ota and I am the Vice President for Military Affairs at The Chamber of Commerce of Hawaii (The Chamber). I am here to state The Chamber's support of House Bill 4 HD1, Relating To The Interstate Compact on Educational Opportunity for Military Children.

The Chamber's Military Affairs Council (MAC) serves as the liaison for the state in matters relating to the US military and its civilian workforce and families, and has provided oversight for the state's multi-billion dollar defense industry since 1985.

The measure proposes to make permanent the interstate compact on educational opportunity for military children. It proposes to delete the definition of "test period" and provisions relating to furnishing of unofficial school records and the principal's determination of available space, and clarifies military representation on the state council on educational opportunity of military children within DOE.

This measure addresses one of the top quality of life priorities for military families, the schooling of their children. The differing policies adopted by public school in the US have caused some avoidable confusion and disadvantages for military children.

The interstate compact was established to streamline school policies on inter-school transfers and making the policies as seamless as possible. Hawaii is a charter member of the compact and should remain so.

We respectfully request that the proposed measure be approved for adoption.

Thank you for the opportunity to testify.