



Interstate Compact on Educational Opportunity for Military Children

What is the Interstate Compact on Educational Opportunity for Military Children?

In 2008, the Legislature enacted the Interstate Compact on Educational Opportunity for Military Children.¹ The compact is based on model legislation developed by the Council of State Governments and the United States Department of Defense (DOD). The compact enables member states to uniformly address various educational transition issues faced by children of active-duty military families.² The compact establishes state and national level governing bodies to administer the compact among member states.³

States may join the compact by enacting a law adopting the compact.⁴ Thirty-two states, including Florida, are members of the compact.⁵

¹ Chapter 2008-225, L.O.F.; ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S. An interstate compact is a mutual agreement between two or more states to cooperate in the regulation of a particular public policy matter shared by each state. States currently utilize compacts to regulate environmental resource management, multi-state taxation, transportation, corrections, crime control, and juvenile justice issues. Though legislatively enacted, compacts operate like a contract. Member states are bound to observe the terms of the agreement. Compact provisions take precedence over conflicting or inconsistent member state laws. Council of State Governments, *Interstate Compact on Educational Opportunity for Military Children: Legislative Resource Kit*, part 1 at 2-3 (Jan. 2008), available at <http://www.csg.org/knowledgecenter/docs/ncic/RESOURCEKIT-January2008final.pdf> [hereinafter *Legislative Resource Kit*].

² *Legislative Resource Kit*, *supra* note 1, part 1 at 3. Over 58,000 active duty armed forces personnel are stationed at 20 Florida military bases. Haas Center, University of West Florida, *Florida Defense Industry Economic Impact Analysis: Volume One: State and Regional Analyses* (Jan. 2008), available at http://www.cbred.uwf.edu/pdfs/impactStudies/FLdefense_Volume_1_2008.pdf. DOD statistics place the number of school-aged dependent children of armed forces personnel living in Florida at 56,185. Of this number, 36,574 are children of active duty personnel and 19,611 are children of reservists. *Legislative Resource Kit*, *supra* note 1, part 6 at 1.

³ Article X, of the Compact, s. 1000.36, F.S.

⁴ *Id.* The compact provides that it takes effect when 10 states enact legislation adopting the compact. Article XV, of the Compact, s. 1000.36, F.S. The compact took effect on July 9, 2010, when Delaware became the tenth state to join the compact. See 76 Del. Laws 327 (2008).

⁵ Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and Wisconsin. Council of State Governments, *Interstate Compact on Educational Opportunity for Military Children: State-by-State Status Chart* (June 21, 2010), http://www.csg.org/programs/policyprograms/NCIC/documents/DODState-by-statechart6-21-10_000.pdf.

Why was the compact developed?

Most military children transfer to a different school district six to nine times during grades kindergarten through 12. Military children are often impacted by differences in state policies governing:

- ❖ Education record transfers;
- ❖ Kindergarten and first grade entrance ages;
- ❖ Course sequencing;
- ❖ Grade-level placement;
- ❖ Educational program placement;
- ❖ Participation in extracurricular activities;
- ❖ Graduation and testing requirements; and
- ❖ The need to appoint temporary guardians while the child's parent is deployed.

As a result, military children often experience delayed enrollment, inappropriate grade-level placement, exclusion from educational programs and extracurricular activities, and delayed graduation. The compact establishes guidelines to better enable member states to address these issues.⁶

Does the compact apply to the children of any member of the military?

No. The compact only applies to the children of:

- ❖ Active duty armed forces personnel, including activated national guard and reserve personnel;
- ❖ Active duty personnel or veterans who are medically discharged or retired for a period of up to one year; and
- ❖ Personnel who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.⁷

What entity governs the compact at the national level?

The compact established an Interstate Commission on Educational Opportunity for Military Children to provide national-level oversight of the compact. Among other things, the commission may adopt and enforce bylaws and compact rules and compile data, facilitate sharing of information, and conduct training and public awareness activities regarding the compact. The commission must annually report to the legislatures, governors, judiciary, and state councils of the member states.⁸

The commission is comprised of one voting representative, or compact commissioner, from each member state. Each state is entitled to one vote on compact rule adoption or other business matters.⁹ The commission must meet at least once per year.¹⁰

⁶ *Legislative Resource Kit, supra* note 1, part 1 at 1-2.

⁷ Article III, of the Compact, s. 1000.36, F.S.

⁸ Article X, of the Compact, s. 1000.36, F.S.

⁹ Article IX, s. B. of the Compact, s. 1000.36, F.S.

¹⁰ Article IX, s. D. of the Compact, s. 1000.36, F.S.

What is the force and effect of the compact and compact rules?

The compact and compact rules have the force and effect of statutory law and supersede conflicting state laws.¹¹ However, the compact provides that any compact provision, including a compact rule or bylaw implementing a compact provision, which conflicts with a member state's constitution is ineffective, to the extent of the conflict.¹²

The compact requires member state executive, legislative, and judicial branches to enforce the compact and compact rules. Courts in member states must take judicial notice of the compact and compact rules in any judicial or administrative proceeding concerning the compact.¹³ If a compact provision is invalidated by a court, the compact provides severability to preserve remaining compact provisions.¹⁴

A majority of member state legislatures may invalidate a compact rule by enacting a statute or resolution to that effect. Individuals may request judicial review of any compact rule within 30 days of its adoption.¹⁵

What entity governs the compact at the state level?

The compact requires each state to establish a state council to coordinate state and local government implementation of, and compliance with, compact requirements. Each state may independently determine state council membership. However, each state council must include at least the state superintendent of education, the superintendent of a school district with a high concentration of military students, a representative from a military base, and one representative each from the legislative and executive branches of government. Each state must also appoint a Military Family Education Liaison to assist military families and the state with compact compliance.¹⁶

Florida's compact legislation established the State Council on Interstate Educational Opportunity for Military Children and requires the Governor to designate a compact commissioner to represent the state on the commission; and a Military Family Education Liaison to assist military families and the state in implementing the compact.¹⁷ Florida's council includes five voting members:

- ❖ The Commissioner of Education;
- ❖ The superintendent for the school district with the highest percentage per capita of military children;
- ❖ Two appointees by the Commissioner of Education; and

¹¹ Article XIII, of the Compact, s. 1000.36, F.S.; Article XVIII, of the Compact, s. 1000.36, F.S. Any commissioner, standing committee, or regional group of member states may propose a compact rule or compact rule amendment. The commission must follow a multi-phase rulemaking process which includes publication of, and opportunity for public comment on, the proposed rule. Section 2.101(a) and (c), Interstate Commission Rules. A majority vote by a quorum of the commissioners is required for adoption. Section 2.101(h), Interstate Commission Rules.

¹² Article XVIII, s. E. of the Compact, s. 1000.36, F.S.

¹³ Article XIII, of the Compact, s. 1000.36, F.S.

¹⁴ Article XVII, of the Compact, s. 1000.36, F.S.

¹⁵ Article XII, of the Compact, s. 1000.36, F.S.

¹⁶ Article VIII, of the Compact, s. 1000.36, F.S.

¹⁷ Section 1000.38, F.S.

❖ One appointee by the President of the Senate and Speaker of the House of Representatives.

Additionally, the compact commissioner and the Military Family Education Liaison serve on the council as ex officio, nonvoting members.¹⁸

The council provides advice and recommendations regarding state participation in, and compliance with, the compact, and recommends candidates for the Governor's selection of a Military Family Education Liaison. Council members serve without compensation, but are entitled to reimbursement of per diem and travel expenses. The council must comply with Florida law governing public meetings and records. The Department of Education provides administrative support for the council.¹⁹

How is the administration of the compact financed?

The compact requires the commission to levy membership dues from each member state to finance commission operations and staffing.²⁰ The dues formula for compact membership is based upon \$1 per dependent child of active-duty military personnel residing in a member state.²¹ DOD statistics place the number of school-aged dependent children of active duty military personnel living in Florida at 36,574.²²

May a state withdraw from the compact?

Yes. A member state may withdraw from the compact by repealing its compact statute. A state's withdrawal from the compact is effective one year after such repeal. Such states must provide written notice of withdrawal to the Governor of each other member state.²³

Why did the Legislature include a sunset provision in the compact legislation?

Florida's compact legislation includes a sunset provision which requires automatic repeal of the compact three years after its effective date. The sunset provision enables the Legislature to periodically review new compact rules, compact rule amendments, and bylaws adopted by the commission to determine whether the state should continue participation in the compact. The Legislature may continue Florida's participation in the compact by reenacting the compact prior to the repeal date. Currently, the compact will stand repealed on May 12, 2013, unless reenacted by the Legislature.²⁴

¹⁸ Section 1000.39, F.S.

¹⁹ Section 1000.39, F.S.

²⁰ Article XIV, of the Compact, s. 1000.36, F.S.

²¹ Section 2.102, Interstate Commission Rules.

²² *Legislative Resource Kit*, *supra* note 1, part 6 at 1.

²³ Article XVI, of the Compact, s. 1000.36, F.S.

²⁴ Section 3, ch. 2010-52, L.O.F.

Where can I get additional information?

The Council of State Governments

Interstate Compact on Educational Opportunity for Military Children

Compact Administrator

(859) 244-8068

http://www.csg.org/programs/policyprograms/NCIC/interstatecompact_militarychildren_edop.aspx

Florida House of Representatives

Education Committee

(850) 488-7451

<http://www.myfloridahouse.gov>