

Date of Hearing: February 8, 2008

Committee: Senate Committee on  
Education/Committee on  
Intergovernmental and Military  
Affairs

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: S.B. No. 2877, Relating to Interstate Compact on Educational  
Opportunity for Military Children

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

Department's Position: At the time of this submittal, the Board of Education has not  
taken a position on this bill. However, the Department offers the  
following comments. This bill authorizes the State of Hawaii to  
enter into the Interstate Compact on Educational Opportunity for  
Military Children. States that join the compact would form the  
"Interstate Commission on Educational Opportunity for Military  
Children" (Interstate Commission), and agree to remove barriers  
to educational success imposed on children of military families  
caused by frequent moves and deployment of their parents.

The Department does not see the value of joining the Interstate  
Commission because:

- (1) many of the provisions delineated by the compact to facilitate the educational success of military children are already in place; and
- (2) the requirements for participating in the compact are not in the best interest of the Department.

For the most part, the Department's practices are in line with the compact's provisions relating to facilitating the following:

- (1) timely enrollment of military families;
- (2) student placement and attendance process;
- (3) qualifications and eligibility for enrollment in education programs and participation in extracurricular academic, athletic, and social activities; and
- (4) on-time graduation of children of military families.

In addition, when disputes do arise, the Department has been able to successfully resolve concerns and issues at the school or district level with the assistance of the military services and School Liaison Officers.

Further, the Department has serious concerns about the compact. The overarching concern is that the powers and authority of the Interstate Commission supersede those of the

Board of Education, the Department of Education, and possibly even the State Legislature and the Governor.

As stated in Article XVIII of the bill, what is promulgated by the Interstate Commission would have a binding effect on all member states, and therefore would have standing as statutory law. In other words, the provisions of the compact and rules adopted by the Interstate Commission would supersede state law. If a state fails to comply with the provisions of the compact and its promulgated rules and bylaws, the Interstate Commission may then appear before federal court to enforce compliance.

The Board of Education and the Department should not abdicate its powers and authority to another body to define and decide what constitutes quality delivery of services for Hawaii's students. Such a position is untenable and illogical.

There is another overarching concern about joining the compact. The Department is concerned that membership in the compact will effectively create two classes of students, possibly with different sets of rules, policies, regulations, guidelines, and practices. One class would be the children of active duty

military personnel and other military personnel, which make up about 8% of the total student population. The other class would be all other students. To create a separate governing body and process for 8% of the student population defies common sense and fairness.

In summary, there is little to be gained by belonging to the Interstate Compact on Educational Opportunity for Military Children, and much to lose. That said, it is important to state that the Department is committed to working with our military and community partners to address the needs of military students and provide a quality education for all of Hawaii's children.

Thank you for the opportunity to testify on this measure.

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 2877  
A BILL FOR AN ACT RELATING TO INTERSTATE COMPACT ON  
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

PRESENTATION TO THE  
SENATE COMMITTEE ON EDUCATION  
SENATE COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS

BY

MAJOR GENERAL ROBERT G. F. LEE  
ADJUTANT GENERAL  
February 8, 2008

Chair Sakamoto, Chair Inouye and Committee Members:

I am Major General Robert G. F. Lee, State Adjutant General. I am testifying on Senate Bill 2877. This bill enacts the interstate compact on educational opportunity for military children.

We support the intent and motive behind this measure, but we would prefer the Administration's submission of Senate Bill 3046.

If Senate Bill 3046 is passed, it will achieve the goal of removing barriers to educational success for all children of military families. Passage would strongly indicate to the members of the United States armed forces, especially those that recently returned from Iraq and Afghanistan that Hawaii truly cares and supports their duty to our nation.

Chair Sakamoto, Chair Inouye thank you for letting me submit this written testimony.

SB2877

Statement of

**Laurie Crehan, Ed.D.**

**Quality of Life Regional Liaison  
DoD-State Liaison Office**

**Office of the Under Secretary of Defense, Military Community and Family Policy**

**INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY  
FOR MILITARY CHILDREN**

**February 8, 2008**

**The Department of Defense State Liaison Office** operates under the Under Secretary of Defense for Personnel and Readiness, and the Deputy Under 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.

### **Laurie Crehan**

Dr. Crehan joined the DoD-State Liaison Office as a Regional Liaison in 2005. In her position, 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**

Mr. Chairman and members of this Committee, on behalf of the Deputy Under Secretary of Defense, I would like to thank you for the opportunity to submit testimony today on the *Interstate Compact on Educational Opportunity for Military Children*. DoD, in conjunction with the Council of State Governments, worked with groups and individuals representing legislators, educators, and educational organizations and associations over a period of two years to create a compact to address the educational challenges of military students who frequently transition from school to school around the world.

My name is Dr. Laurie Crehan and I work for the Department of Defense State Liaison Office as a Quality of Life Regional Liaison. I also have spent a large part of my professional career as a teacher and administrator in the Department of Defense Dependents Schools and know first hand about the challenges that the children of our military members face as they encounter frequent school moves. 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.

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 12<sup>th</sup> 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.

Though there has been some discussion among members of Congress to introduce such guidelines on a federal level, which would then be implemented by states, DoD believes states are the appropriate entities to determine and execute this type of policy in a cooperative, multi-state manner. Thankfully, many state leaders recognize this also. Some thirteen states have already introduced the Compact legislation, and it appears to already be moving forward in many of them. Another 14 states are expected to introduce the legislation in 2008. When ten states have adopted it, the Compact will go into effect, and rules and detail procedures will begin to be established by the participating states. It would be in the interest of a state to be among the initiating states so that they could be a part of the first rule making process. (States, no matter when they join, will still be a part of the rule making process; simply less rules to be made by then.)

I appreciate the opportunity to submit testimony and look forward to Hawaii's leadership in adopting this vital compact supporting our military children. Of course, I stand ready to answer any questions you may have, and it is my understanding that experts from the Council of State Governments, and their National Center for Interstate Compacts, will also be available to you.



**Testimony of Rick Masters, Special Counsel for Interstate Compacts  
The Council of State Governments Regarding SB 2877**

**Before a Joint Session of the Education Committee and the Intergovernmental & Military Affairs Committee**

**Friday, February 8, 2008 @ 1:15 p.m.**

Honorable Chair and Members of the Committee, I am Rick Masters, Special Counsel for Interstate Compacts for the Council of State Governments. 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 4<sup>th</sup> and 6<sup>th</sup> 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 I am a former General Counsel for the Council of State Governments and have continued to serve as Special Counsel for Interstate Compacts for the last ten (10) years. I have acted as 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 proposed Interstate Compact on Educational Opportunity for Military Children which is contained in SB 2877. I have also 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. In addition I was a co-author of a book on the subject of interstate compacts published by the American Bar Association in 2006 containing the largest compilation of legal authorities and case citations ever printed on the subject.

This project is a joint effort by the Council of State Governments and the U.S. Department of Defense 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 deployed member of the U.S. military. 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 will become effective upon the enactment of at least ten (10) states. Since January of this year fourteen (14) states have introduced the bill and more introductions are expected.

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 including three (3) education compacts.

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 (5) 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.

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.



**The Chamber of  
Commerce of Hawaii**  
Since 1850

TESTIMONY TO THE SENATE COMMITTEES ON EDUCATION, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS, AND JUDICIARY AND LABOR  
FRIDAY, FEBRUARY 8, 2008  
1:15 P.M. IN ROOM 225

Re: SB 2877 RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR  
MILITARY CHILDREN

Chairs Sakamoto, Inouye, and Taniguchi, Vice Chairs Tokuda, Tsutsui, and Hee, and Members of the  
Committees:

My name is Charlie Ota and I am the Vice President of the Military Affairs Department of The Chamber of  
Commerce of Hawaii. The Department oversees the Military Affairs Council (MAC) which serves as a  
liaison seeking solutions to issues of common concern to the military, private sector, and the state.

The MAC submits testimony in support of the intent of Senate Bill 2877, Relating to Interstate Compact on  
Educational Opportunity for Military Children, which proposes that the state enter into an Interstate  
Compact on Educational Opportunity for Military Children.

The compact is a priority military quality of life initiative of the US Department of Defense (DOD). It  
recognizes that military families are subject to frequent moves from one state to another and that these  
moves impose challenges in educating military children in US public schools. Military children often enter  
as many as ten to twelve schools before finally graduating from high school and experience difficulties in  
transitioning from one school to another. This results in denying military children the schooling  
opportunities experienced by most American children living in less transitory and stressful environments.

The DOD is soliciting states with military bases to join together in a compact to establish a seamless  
means by which military children may transition from one school district to another. The intent is to  
eliminate hardships that have a negative impact on a student's adjustment to a new environment by  
providing for timely enrollment and proper class placement, eliminating redundant requirements, enabling a  
student to participate in all school and extra curricular activities, and ensuring on-time graduation.

However, we were informed that the compact as written in the bill was prepared by a council of state  
representatives that did not include one from Hawaii, nor was it reviewed in advance by the state

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February 8, 2008

Department of Education (DOE) nor the Board of Education. We believe that the lack of input from the state DOE and BOE is a significant oversight since the department is in the best position to determine if all of the proposed procedures can be implemented and what negative impacts, if any, the compact would have on the schools.

Moreover, the compact provides for establishing an Interstate Commission, hiring an executive director and staff, determining rates of compensation, establishing a budget, making expenditures, etc. This involves establishing a business office and staff in one or more states to operate and manage the program. The cost of this administrative overhead is to be shared by the participating states. We believe that this shared cost should be reviewed closely as it could amount to a sizable expenditure of state funds if only 10 states sign the compact.

Since the compact is a priority DOD initiative aimed at improving the quality of life for military families, it appears appropriate for DOD to fund the cost of operating and managing the Interstate Commission.

The MAC strongly supports the need for establishing a seamless means by which military children may transition from schools in one state to another as it will benefit both the schools and students. We also note that the transition procedures outlined in the proposed compact could be posted on the DOE website to benefit the hundreds of military children transitioning from overseas bases to Hawaii schools and as well as military children from states that are not members of the Interstate Compact and children from non-military families.

In light of the above, the MAC recommends approval of Senate Bill 2877, subject to the resolution of changes deemed essential by the DOE due to existing Hawaii law or state Board of Education policy.

TESTIMONY IN OPPOSITION TO SB2877

To: Senators Sakamoto, Inouye, Kim, Tokuda, and Tsutsui  
From: Jan Iwase, Principal of Hale Kula Elementary School  
Re: Senate Bill 28777

I am submitting testimony in opposition to SB2877 which enacts the Interstate Compact on Educational Opportunity for Military Children.

Our school is located on Schofield Army Installation, and 98% of our nearly 700 students are military dependents. Many of the barriers to educational success which the Interstate Compact proposes to remove have already been addressed through our Department's partnership with the military. The Joint Venture Education Forum, Military Impacted Principals Council, and the Army School Planning Committee are venues for schools to discuss issues of concern with the military and to come to agreement based on what is best for *all* children, not just the military student. Additionally, school liaison officers provide a service to schools and families by serving as a communication bridge between the military and the schools.

Every school has its challenges, and as a principal, it would be difficult for me to be told to treat one group of students differently from another based on agreements in the Interstate Compact. As principals, we have the flexibility to make decisions based on the facts/data before us, and a process exists for parents to appeal an individual school's decision. We are cognizant of the challenges a military student may face, and with funding from the Joint Venture Education Forum, schools are addressing those needs. For example, many schools now have Transition Centers to support *all* new students to the school, and schools have counseling programs or PSAP (Primary School Adjustment Project for students in grades K-3) which help *all* students who may be experiencing challenges adjusting to a new situation, whether it is moving to a new school, a new baby, or a deployed parent.

In conclusion, Hawaii has already addressed many of the issues which are in the Interstate Compact on Educational Opportunity for Military Children. Therefore, I oppose passage of SB2877.

If you have any questions, please call me at 622-6380 or email me at [jan\\_iwase@notes.k12.hi.us](mailto:jan_iwase@notes.k12.hi.us).

Thank you for this opportunity to provide testimony on SB2877.

## testimony

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**From:** Troy\_Fujimoto/SOLOMON/HIDOE@notes.k12.hi.us  
**Sent:** Thursday, February 07, 2008 6:58 AM  
**To:** testimony  
**Subject:** Testimony on Interstate Compact  
**Attachments:** Solomon Compact Testimony.doc.hqx

Attached please find in Microsoft Word format the following written testimony in opposition to SB 2877 relating to the "Interstate Compact on Educational Opportunity for Military Children".

February 7, 2008

Mr Troy Fujimoto, Vice Principal  
Solomon Elementary School  
1 Schofield Barracks  
Wahiawa, Hawaii 96786  
Phone: 624-9500  
Email: troy\_fujimoto@notes.k12.hi.us

Dear Honorable Chair Sakamoto, Chair Lorraine R. Inouye, and Respective Committee Members,

I am testifying in opposition of S.B. 2877, relating to the "Interstate Compact on Educational Opportunity for Military Children".

We are in opposition of this bill because:

- The compact will bypass current resolution process and policy within the Department. Concerns and issues for all children are resolved at the school level. If need be, there is a process in place that schools follow for all issues and appeals.
- The compact supports the creation of a separate entity to resolve issues and concerns for 99% of my student population. This would not be beneficial my schools or students. We have established a Transition Assistance Center, expanded our Parent Community Networking Center to promote greater parent participation in school, and continue to grow Military-School partnerships that directly benefit our school children and their families.
- In addition, the compact creates a binding authority that would supersede state law and Board of Education policy (Interstate Compact, Page 37, Article XVIII, Section A, 2). Our school policies create an environment that is fair and equitable for all students and allows for administrative flexibility and discretion to address specific and unique issues as needed.
- Compact supporters promote the compact as a venue to share best practices. My school shares what we do with the military community through the JVEF, MIPC, School Liaison Officers, etc. I am willing to share our school's best practices with anyone who is interested. I do not feel we need a compact to share best practices inter or intrastate.

As a DOE public school on a military base (Schofield Barracks), we serve military children in within our geographic area. We have established and continue to nurture positive relationships within our community focused upon the varied needs of our children and families. Creation of such a "Compact" would serve to undermine the collaborative environment that we have worked hard to create and, for our school, will serve as a divisive instrument rather than a support for our community. Thank you for your consideration and time in allowing for our testimony today. Mahalo!