

Date of Hearing: April 1, 2009

Committee: House Finance

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: S.B. No. 1164, S.D.2, H.D.1, (HSCR 1087) Relating to the Interstate Compact on Educational Opportunity for Military Children

Purpose: Advocates the State of Hawaii to enter a national interstate commission compact to address the "Educational Opportunities for Military Children" within member states. In addition, this Bill establishes a Hawaii Compact Commissioner and State Council to address state issues as stated in the compact relating to the educational needs of military children.

Department's Position: The Department of Education (Department) supports S.B. No. 1164, S.D.2, H.D.1, (HSCR 1087). This past year, the Department participated on a task force charged with studying current policies and practices that address the provisions within the compact as they relate to military and other transitory students. The task force was comprised of members of the Senate and House Education committees, Department representatives, military installation and component education liaisons, and other community leaders.

The Task Force determined the Department's current policies and practices are in line with the compact's provisions, addressing timely enrollment of military students, student placement and attendance, enrollment qualifications and eligibility in education programs, enrollment in academic, extracurricular, and athletic activities; and on-time graduation of military children. Due to the collaborative efforts of the Task Force, the Department contributed to the revision of the original bill language. The bill supports an environment that allows for administrative flexibility and discretion to address the unique issues of military students while promoting fair and equitable practices for all students.

The Department supports revisions reflected in the current bill.
Thank you for the opportunity to testify on this measure.



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

Testimony of
Linda L. Smith
Senior Policy Advisor to the Governor

Before the
HOUSE COMMITTEE ON FINANCE
Wednesday, April 1, 2009, 1:00 p.m.
Room 308, State Capitol

**SB 1164 SD2 HD1 RELATING TO INTERSTATE COMPACT ON EDUCATIONAL
OPPORTUNITY FOR MILITARY CHILDREN**

Chair Oshiro, Vice Chair Lee, and Members of the Committee:

The Administration supports with amendments SB 1164 SD2 HD1, a bill similar to the Administration's SB 897 enacting the Interstate Compact on Educational Opportunity for Military Children. We believe this Compact is essential to improving educational opportunities and the quality of life for military families.

The Interstate Compact on Educational Opportunity for Military Children provides standards addressing issues such as enrollment, placement, and graduation of children whose parents are active duty service members or recent veterans of the military. Rather than suffering frustrations and delays, this Compact would allow military children to quickly integrate into and transition out of Hawaii's classrooms. Adopting this Compact to aid the transition of military children would greatly improve their quality of life and access to education.

Currently, the Department of Education already has some transition and integration measures in place for military children in Hawaii. Through the Department's initiatives with the Joint Venture Education Forum (JVEF), military children have received some of the help they need. Yet, more can be done to provide consistency and uniformity for these children arriving or leaving our state. Adopting the Compact is a natural step forward, since it ensures that military children have the help they need not only when they are in Hawaii, but also before they arrive in our State and after they leave our State.

The Administration notes that in addition to adopting the Compact, various provisions have been added to this bill. Some of these additions include furnishing

records only if all student financial and school obligations are met, allowing principals to determine whether space is available to accommodate a child's placement, and providing immunity to the State. To the extent that these additional provisions do not deviate substantially from the terms of the Compact, the Administration is not opposed to such changes.

However, the Administration does not believe a sunset date of July 1, 2011 is necessary. In order to maintain consistency and continuity in our efforts to improve the educational opportunities of military children, it is crucial for Hawaii to be committed on a long-term basis.

In addition, the Administration is concerned with provisions that allow the Board of Education to appoint the State Compact Commissioner and establish the State Council without section 26-34 appointment procedures. While the Compact allows each State to determine its own appointment process, that process should be open and transparent. Given that the Department of Education and its Board are not the only stakeholders of this Compact, an established appointment process that allows for input from all stakeholders is needed. Additionally, in order to ensure transparency and accountability, the State Council should not be exempt from certain rulemaking requirements under chapter 91, such as public notice and public hearing. As such, the following amendments should be made to:

- Subject the State Compact Commissioner and State Council to appointment procedures as provided in section 26-34 of the Hawaii Revised Statutes; and
- Subject the State Council to all chapter 91 rulemaking requirements, such as public hearing and public notice requirements, in addition to the chapter 92 open meeting requirements.

These amendments are necessary to ensure that stakeholders other than the Department of Education and the Board of Education are involved in the implementation of the Compact. These changes are needed so that the State Compact Commissioner and the State Council remains accountable to all stakeholders. The recommended amendment language attached will not invalidate the Compact, and has been reviewed and approved by Mr. Rick Masters, the Special Counsel for Interstate Compacts from the Council of State Government.

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

REQUESTED AMENDMENTS

ARTICLE VIII STATE COORDINATION

(a) Each member state, through the creation of a state council or use of an existing body or board, shall provide for the coordination among its agencies of government, appropriate education agencies, and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its state council, its membership must include at least the state superintendent of education, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent appropriate education agencies on the state council.

(b) The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

(c) The compact commissioner responsible for the administration and management of the state's participation in the compact shall be ~~[recommended by the superintendent of education with the approval of the board of education.]~~ appointed in accordance with section 26-34.

(d) The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the state council, unless either is already a full voting member of the state council.

§ -2 State council. There is established within the board of education for administrative purposes the state council on educational opportunity for military children~~[. The board of education shall establish the state council, as required by article VIII of the compact. The membership of the state council shall include, at a minimum:]~~ consisting of members who shall be appointed in accordance with section 26-34 as follows:

- (1) The superintendent of education or the superintendent's designee;
- (2) The complex area superintendents of the administrative districts that contain the Leilehua, Radford/Moanalua, and Kalaheo school complexes;

- (3) A complex area superintendent from the Leeward district;
- (4) The military liaison from the department of education;
- (5) A military representative from the United States Pacific Command;
- (6) A representative each from the Air Force, Army, Marine Corps, Navy, and Coast Guard;
- (7) A representative of the executive branch of government;
- (8) The chairperson of the senate education committee or the chairperson's designee;
- (9) The chairperson of the house education committee or the chairperson's designee; and
- (10) Other offices and stakeholder groups the state council deems necessary.

Members of the state council may delegate voting authority to another person for a specified meeting or meetings. The state council shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact. The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the state council, unless either is already a full voting member of the state council.

The council shall establish policies and procedures governing its operations [~~without regard to the public notice, public hearing, and the gubernatorial approval requirements of chapter 91, but subject to the open meeting requirements of chapter 92.~~] in accordance with the rulemaking requirements of chapter 91 and the open meeting requirements of chapter 92.

§ -3 Appointment of compact commissioner. As required by article VIII of the compact, [~~the state superintendent of education shall recommend, with approval of the board of education,~~] the compact commissioner shall be appointed in accordance with section 26-34, who shall be responsible for the administration and management of the State's participation in the compact.

SECTION 2. This Act shall take effect on July 1, 2009[~~7 and shall be repealed on July 1, 2011.~~].

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 1164 SD2 HD1
A BILL FOR AN ACT RELATING TO INTERSTATE COMPACT ON
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

PRESENTATION TO THE
HOUSE COMMITTEE ON FINANCE

BY

MAJOR GENERAL ROBERT G. F. LEE
ADJUTANT GENERAL
April 1, 2009

Chair Oshiro, Vice Chair Lee, and Members of the Committee:

I am Major General Robert G. F. Lee, State Adjutant General. I am testifying on Senate Bill 1164 SD2 HD1. This bill enacts the interstate compact on educational opportunity for military children.

We support Senate Bill 1164 SD2 HD1. Passage of this bill will remove educational barriers to educational success imposed on children of military families due to service directed moves and deployment of their parents.

The adoption of the compact will address key issues regarding kindergarten through high school eligibility, enrollment, placement and graduation of children whose parents are active duty service members or recent veterans of the military. The bottom line is that it will tremendously improve the transition for military dependent children transferring into or out of the Hawaii public school system.

However, we are concerned with the provisions that allow the Board of Education to appoint the State Compact Commissioner and establish the State Council. We would like to offer that the Compact Commissioner and the State Council follow the appointment processes that are established in Section 26-34 of the

Hawaii Revised Statutes and subject the State Council to public notice, public hearing, and open meeting requirements.

Thank you for the opportunity to provide this written testimony.



The Chamber of Commerce of Hawaii
The Voice of Business in Hawaii

Testimony to the House Committee on Finance
Wednesday, April 1, 2009
1:00 PM
Conference Room 308
Agenda #4

RE: SENATE BILL NO.1164, SD2, HD1, RELATING TO 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 Senate Bill No.1164, SD2, HD1, Relating to 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 U.S. military and provides oversight for the State's multi-billion dollar defense industry.

The measure proposes to enact the interstate compact on educational opportunity for military children to remove barriers to educational attainment faced by children of military families due frequent moves and deployment of parents.

Military families encounter inordinate challenges that are unique to being in the military. They are ordered on assignments to all parts of the world, often on short notice and in the middle of the school year. Their school aged children enter schools at inconvenient times during the school year and encounter new systems and requirements.

The interstate compact recognizes that the children of military families face inordinate stresses as they relocate from another state or from an overseas area. Participating on the compact council should contribute towards minimizing the effects of these stresses and ease the child's transition to a new school in a totally new environment.

The procedures outlined in this important measure have been closely scrutinized and discussed by the state Department of Education (DOE) and Board of Education, the Joint Venture Education Forum (which is a partnership between the DOE and military commands), and others involved with improving schooling opportunities for military children over the past year. It is our understanding that all parties have now agreed to the procedures outlined in this measure.

For these reasons, the MAC strongly recommends that SB 1164,SD2, HD 1 be passed.

Thank you very much for the opportunity to testify.

**Testimony Presented Before the
House Committee on Finance
Conference Room 308**

April 1, 2009

(1:00pm)

RE: Senate Bill No.1164, SD2, HD1 Relating to Interstate Compact on Educational Opportunity for Military Children

Chair Oshiro and Members of the Committee:

My name is Kathryn Matayoshi, Executive Director of the Hawai'i Business Roundtable (the "Roundtable"). I am testifying in support of SB 1164, SD2,HD1.

The Roundtable has been a strong supporter of efforts to improve the educational experience of children in military families. Consistently over the past years, the quality of the public education has been the primary concern voiced to our members by the leadership in the military.

The measure proposes to enact the interstate compact on educational opportunity for military children to remove barriers to educational attainment faced by children of military families due frequent moves and deployment of parents. It recognizes the unique situation faced by many military families. In particular, military parents often receive orders for assignments in the middle of the school year, sometimes with little time before relocation and often to distant locations. At a recent event, one of the officers noted to me that his son was graduating from high school having been in 11 different schools while growing up.

The interstate compact recognizes that the children of military families are stressed by the frequent dislocation. Hawaii's participation on the compact council should help ease the child's transition to his or her new situation. We understand also that the bill is the result of significant work over an extended period of time by people focused on easing the burdens that result from frequent moves, including participants in the Joint Venture Education Forum, of which the Roundtable is a member.

In short, the Roundtable strongly supports SB 1164,SD2,HD1. Thank you for the opportunity to testify.