

**SB813**

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 813  
A BILL FOR AN ACT RELATING TO INTERSTATE COMPACT ON  
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

PRESENTATION TO THE  
SENATE COMMITTEE ON EDUCATION  
AND  
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,  
AND MILITARY AFFIARS

BY

MAJOR GENERAL DARRYLL D. M. WONG  
INTERIM ADJUTANT GENERAL  
February 9, 2011

Chair Tokuda, Chair Espero, and Members of the Committees:

I am Major General Darryll D. M. Wong, Interim State Adjutant General. I am testifying on Senate Bill 813.

We support Senate Bill 813. This measure makes permanent the interstate compact on educational opportunities for military children which became law as Act 152 during the regular session of 2009. It also clarifies military representation on the state council on educational opportunity for military children within the Board of Education.

Thank you for the opportunity to provide this written testimony.

Personal Testimony

Presented Before the  
Senate Committees on Education and Public Safety, Government Operations, and Military Affairs

February 9, 2011  
1:15 p.m. Conference Room 225

By

Kathleen F. Berg, Associate Director  
Curriculum Research & Development Group  
University of Hawaii at Manoa College of Education  
And  
Hawaii State Commissioner  
Military Interstate Children's Compact Commission

**SB813: Relating to the Interstate Compact on Educational Opportunity for Military Children**

Chairs Tokuda and Espero, Vice Chair Kidani, and Members of the Committee

I am providing personal testimony today in support of SB 813 to make permanent Hawaii's membership in the Interstate Compact on Educational Opportunity for Military Children.

The mobile military lifestyle creates special challenges for the children of military members, who attend on average 6 to 9 different school systems from kindergarten to twelfth grade. In addition, the children often endure the anxiety of being separated from a parent deployed and in harm's way. This Interstate Compact was designed to help overcome educational transition issues of children of military families and to help ease the strain on families due to deployment. Presently, 35 states including Hawaii are members of the compact.

Although Hawaii public schools have for many years prior to the development of this compact made the accommodations called for in the current compact rules, by Hawaii being a member state, our schools can expect full cooperation and assistance from the schools in other compact states who send students to and receive students from Hawaii. This eases the burden on our schools when resolving issues of graduation, enrollment, placement and attendance for military dependent students and ensures smoother transitions for military children.

Prior to the initial passage of the compact law in Hawaii in 2009, a series of meetings with various stakeholders revealed that nearly all of the compact rules were supported by policy statements and/or practice in our schools where military students attend. In addition, it was generally agreed that the accommodations were reasonable ones to be made for all transitioning students and did not generally create special privileges for military students. The directed accommodations are to be "reasonable" and at the discretion of school officials; they address transition issues and are not intended to impact curriculum or local standards. The compact does address special consideration

due to a parent's deployment to "a combat zone or combat support posting," a situation unique to military families.

During the last 18 months, the implementation of the compact in Hawaii has been, by all measures, very successful. A large percentage of the state's public school principals have received training; training has begun with school registrars; the state council has been formed with very active and inclusive military, government, and HIDOE representation; and the several council meetings held thus far have been very constructive forums for problem solving and sharing of situations and issue resolutions. The military services' school liaison officers have been actively engaged in these education efforts and have worked closely with the state council as well as the schools. The compact rules provide a common ground and guidelines for this work as well as consistency across schools and states for military children. During this same time, the national commission has established full-time organizational leadership and resources, and the executive director and staff are providing the necessary communication and coordination of the various state implementation efforts to ensure the success of the compact.

I urge your support for the continued participation by Hawaii in the Interstate Compact on Educational Opportunity for Military Children.

Thank you for the opportunity to testify.

**Senator Jill Tokuda, Senate Education Committee**  
**February 9, 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: SB 813 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 Tokuda and Members of the Senate Education 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 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.

**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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## WRITTEN COMMENTS

Date of Hearing: February 9, 2011

Committee: Senate Education  
Senate Public Safety,  
Government Operations and  
Military Affairs

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent

Title: S.B. No. 813, 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 S.B.  
No. 813, but supports the language in the companion bill H.B.  
No. 4 as amended on February 2, 2011.

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 our 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 students.

Thank you for the opportunity to testify on this measure.

**Testimony of Rick Masters, General Counsel for Interstate Commission on Educational Opportunity for Military Children**

**Joint Senate Committee on Education, Public Safety, Government Operations, & Military Affairs (Rm. 225)**

**IN RE: SB 813**

**February 9, 2011 @ 1:15 p.m.**

Honorable Chair and Members of the Committee, I am Rick Masters, and I currently hold the position of 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 received my Juris Doctorate 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> 6<sup>th</sup> and 10<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 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 SB 813.**

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 by 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-five (25) 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, 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 235 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 the transferred student 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 S.B. 813, I recommend that Article V, Section (a) regarding Course placement be amended to **delete** the language on page 11, line 22, beginning with the words “If space is limited . . . “ and ending on page 12, line 5 with the words “. . . or on-line courses.” The reason for this recommendation is that the current language in the proposed bill is much more specific and directive than the original language in the ‘model draft’ and apparently resulted from a misunderstanding regarding this section of the bill. For the same reasons, in the same section of the bill, on page 12, at line 9, the phrase “in a timely manner” can also be deleted.

In addition 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 14 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 3 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.

THE CHAMBER OF COMMERCE OF HAWAII

1132 Bishop Street, Suite 402

Honolulu, HI 96813

Testimony to the Senate Committees on Education and Public Safety, Military  
Affairs, and Intergovernmental Affairs

Wednesday, February 9, 2011

1:15 PM

Conference Room 225

RE: SENATE BILL NO. 813, RELATING TO THE INTERSTATE COMPACT ON  
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Chair Tokuda, Chair Espero, Vice Chair Kidani, and members of the committees.

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, 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 schools 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 transfers 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.



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 Committees on Education and  
Public Safety, Government Operations and Military Affairs**

**Wednesday, February 9, 2011, 1:15 pm, Room 225**

**SB 813 Relating to The Interstate Compact on Educational  
Opportunities For Military Children**

**Chairs Tokuda and Espero, Vice Chair Kidani and Committee Members**

**Our chapter of 400 retired and currently serving officers of the Uniformed Services continues to strongly support the Interstate Compact and SB 813 which makes the Compact permanent by removing the sunset.**

**We recognize that there was some concern over cost and complexity in implementation of this approach to helping children of military families transition to new duty stations. Since enactment nearly two years ago, however, these concerns appear to be addressed. The program is in place and from what we have heard from military families works well as.**

**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 got an excellent education, I can say that a program like this would have made my kids transition somewhat easier. Today military children face significant emotional challenges in dealing with frequent parental deployment, so anything that can ease the educational transition is needed more than ever.**

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