

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 7016

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Gaetz

SUBJECT: Interstate Compact on Educational Opportunity for Military Children

DATE: December 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Sanders</u>	<u>Hrdlicka</u>		MS Submitted as Committee Bill
1.	<u>Bailey</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Aldana</u>	<u>Hrdlicka</u>	<u>FP</u>	Pre-meeting

I. Summary:

SB 7016 reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children and provides for future legislative review and repeal of the compact on July 1, 2019.

The bill is effective upon becoming law.

II. Present Situation:

Children in active-duty military families face unique educational challenges. The average military child transfers to a different state or school district six to nine times during kindergarten through grade 12. When a parent is reassigned, a military child may be impacted by:

- Record transfer issues;
- Varied course sequencing and academic placement policies;
- Varied graduation requirements;
- Exclusion from extracurricular activities;
- Redundant or missed entrance or exit testing;
- Varied kindergarten and first grade entrance ages; and
- The need to appoint temporary guardians while the child's parent is deployed.¹

¹ Interstate Commission on Educational Opportunity for Military Children, *Guide for Parents, School Officials and Public Administrators* (Nov. 2014), p. 2, available at <http://mic3.net/pages/resources/documents/ParentGuideNov2014.pdf> (last visited Nov. 23, 2015).

As of July 31, 2014, there were 41,334 students from an active-duty military family residing in Florida.²

Interstate Compact on Educational Opportunity for Military Children

To assist transferring military families, the Council of State Governments' National Center for Interstate Compacts and the U.S. Department of Defense developed the Interstate Compact on Educational Opportunity for Military Children (compact) with input and assistance from national associations, federal and state officials, departments of education, school officials, and military families.³ The compact is an agreement between states that is designed to assist member states in uniformly addressing key educational transition issues in enrollment, placement, attendance, eligibility, and graduation.⁴

In order to join the compact as a member state, each state was required to adopt the compact in state law. The compact was effective upon enactment by 10 states. Florida was the tenth state to join the compact on July 1, 2008.⁵ Following Oregon's legislation taking effect in January of 2015, all 50 states and the District of Columbia are now active members of the compact.⁶

Students eligible for assistance under the compact must receive public funding through the local education agency and be the children of:

- Active duty members of the uniformed services, including members of the National Guard and Reserve on active-duty orders;
- Members or veterans of the uniformed services who are medically discharged or retired for a period of one year following separation; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.⁷

Florida State Council

The compact requires member states to establish a state council or appoint an existing entity to coordinate the implementation of the compact.⁸ At a minimum, the state council must include the following:

- State superintendent of education;
- Superintendent of a school district with a high concentration of military children;
- One representative from a military installation;

² Email correspondence with John Matthews, Program Specialist, Interstate Commission on Educational Opportunity for Military Children on Sept. 22, 2015. (On file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security.)

³ Military Interstate Children's Compact Commission, *FAQ: What is The Compact?*, available at http://mic3.net/pages/FAQ/faq_indexnew.aspx (last visited Nov. 23, 2015).

⁴ Military Interstate Children's Compact Commission, *Orientation to the Interstate Compact*, (Jan. 2015), p. 7, available at <http://mic3.net/pages/resources/resources.aspx> (last visited Nov. 23, 2015).

⁵ Email correspondence with John Matthews, Program Specialist, Interstate Commission on Educational Opportunity for Military Children on Sept. 22, 2015. (On file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security.) See ss. 1000.36, 1000.38, and 1000.39, F.S.

⁶ Military Interstate Children's Compact Commission, *FAQ: Where Is The Compact In Terms Of Implementation At The National And State Levels?*, available at http://mic3.net/pages/FAQ/faq_indexnew.aspx (last visited Nov. 23, 2015).

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

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

- One representative from the legislative branch of government; and
- One representative from the executive branch of government.⁹

Additionally, the state must appoint or designate a military family education liaison and a compact commissioner. Each of these individuals, unless already a full voting member of the council, shall serve as an ex officio member of the state council.¹⁰

Interstate Commission on Educational Opportunity for Military Children

The Interstate Commission on Educational Opportunity for Military Children (Interstate Commission) is the national governing body created to provide oversight of the compact, adopt and enforce bylaws and rules, and perform various administrative functions necessary for day-to-day operations.¹¹ The Interstate Commission is comprised of one voting representative from each member state and non-voting, ex officio representatives who are members of interested organizations (e.g., the U.S. Department of Defense).¹² Each state is entitled to one vote on compact rule adoption or other business matters.¹³ The Interstate Commission must meet at least once per calendar year.¹⁴

The Interstate Commission is authorized to promulgate compact rules that govern member states in the areas addressed by the compact. Compact rules have the force and effect of statutory law in member states and supersede conflicting member state laws to the extent of the conflict.¹⁵ Compact rules must not exceed the scope of authority granted by the compact. A majority of member state legislatures may invalidate a compact rule by legislative action.¹⁶

Since the Florida Legislature last reauthorized the compact in 2013,¹⁷ the Interstate Commission did not adopt any rules or bylaws or make changes to the compact. The statutes adopting the compact are repealed on April 10, 2016, unless reenacted by the Legislature.

III. Effect of Proposed Changes:

The bill repeals s. 2, ch. 2013-20, L.O.F., which would repeal Florida's adoption of the compact on April 10, 2016. The bill provides for the repeal of the compact statutes, ss. 1000.36, 1000.38, and 1000.39, F.S., on July 1, 2019, unless reviewed and reenacted by the Legislature.

The bill is effective upon becoming law.

⁹ Article VIII, s. A of the compact, s. 1000.36, F.S.

¹⁰ Article VIII of the Compact, s. 1000.36, F.S. *See also* ss. 1000.38 and 1000.39, F.S., and Military Interstate Children's Compact Commission, *Compact Officials in Florida*, available at <http://www.mic3.net/pages/contact/Map/florida.aspx> (last visited Nov. 23, 2015).

¹¹ Articles IX and X of the compact, s. 1000.36, F.S.

¹² Article IX of the Compact, s. 1000.36, F.S. The voting representative from each state is the compact commissioner.

¹³ Article IX, s. B of the Compact, s. 1000.36, F.S.

¹⁴ Article IX, s. D of the Compact, s. 1000.36, F.S.

¹⁵ Article X, s. B and Article XVIII, s. B of the Compact, s. 1000.36, F.S. The compact also provides that if any part of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state. *See* Article XVIII, s. E of the Compact, s. 1000.36, F.S.

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

¹⁷ Chapter 2013-20, L.O.F.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

To address concerns regarding delegation of legislative authority, the bill provides for automatic repeal of Florida's Compact legislation after a period of time, unless reauthorized by the Legislature.¹⁸ Because membership in the compact requires the state to agree to be bound by rules promulgated by a non-legislative entity, i.e., the Interstate Commission, the repeal provision allows the Legislature to periodically review the compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. Reauthorization of the compact after such review diminishes a claim that the Legislature has delegated its authority.¹⁹

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Member states pay an annual fee to the Interstate Commission that must be between \$2,000 and \$60,000. The formula is based upon the number of military children eligible for transfer under the Interstate Compact on Educational Opportunity for Military Children at the rate of \$1 per child.²⁰ The General Appropriations Act for Fiscal Year 2015-2016 appropriated \$42,813 in recurring funds from General Revenue to the Department of Education to pay the dues.²¹

¹⁸ See s. 5, ch. 2008-225 and s. 3, ch. 2010-52, L.O.F.

¹⁹ See Florida Senate, Legislative Bill Analysis for SB 1060 (2010).

²⁰ The Interstate Commission determines the formula used in calculating the annual assessment paid by each member state. See Military Interstate Children's Compact Commission, *Rules*, s. 2.104 (effective Nov. 16, 2012) <http://mic3.net/documents/MIC3CommissionRules-Final-amendedNov2012.pdf> (last visited Nov. 20, 2015).

²¹ Line item 126, proviso, ch. 2015-232, L.O.F.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill repeals Section 2 of Chapter 2013-20, Laws of Florida.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.