



Ohio Legislative Service Commission

Bill Analysis

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H.B. 165

128th General Assembly
(As Introduced)

Reps. Ujvagi, Weddington, Evans, Pryor, Chandler, Harris, B. Williams, Okey, Yuko, Dodd, Hagan, Heard, Skindell, Domenick, Letson, S. Williams, Boyd, Winburn

BILL SUMMARY

- Ratifies the Interstate Compact on Educational Opportunity for Military Children.
- Establishes the State Council on Educational Opportunity for Military Children and authorizes the appointment of a state compact commissioner and a military education family education liaison to implement the state's participation in the compact.

CONTENT AND OPERATION

Introduction

The bill proposes the enactment of R.C. 3301.60 and related sections to ratify the Interstate Compact on Educational Opportunity for Military Children. The compact seeks to address on a uniform basis enrollment and other issues that school-age children of military parents may face when they are required to relocate across state lines. The compact prevails over conflicting laws of member states (Article XVIII).

The compact also establishes the Interstate Commission on Educational Opportunity for Military Children to make rules for and oversee and arbitrate matters among member states (Articles IX, X, XI, XII, and XIII). The Interstate Commission may levy and collect annual assessments from each member state to cover the cost of operating the commission (Article XIV(B)). Each member state has one vote in decisions made by the Interstate Commission (Article IX(B)(1)). Among the powers granted to the Interstate Commission is the authority to file an enforcement action in the U.S. District Court for the District of Columbia, or for the federal district where the commission has its principal offices (Article XIII(D)).

By its own terms, the compact is effective among member states when at least ten states have ratified it (Article XV(B)). According to the Council of State Governments, to date, 15 states have now ratified it, and the compact is effective.¹

Each member state must have its own state council, a liaison to assist military families in school enrollment matters, and a compact commissioner to administer the state's participation in the compact (Article VIII). The bill creates these entities for Ohio and specifies that appointments to the state council and other positions may not be made until at least ten states have ratified the compact. Since more than ten states have ratified the compact, the appointments prescribed in the bill would be authorized as soon as the bill is effective. (R.C. 3301.61 to 3301.64; see "**State coordination**" below).

Matters between a "sending state" and a "receiving state"

(Article II (L), (N), and (O))

The compact controls matters when the child of a military parent leaves a public school of one member state (the "sending state") and enrolls in a public school of another member state (the "receiving state") because the family must relocate, or the child must reside with someone other than a parent, due to the child's parent's or parents' military assignments. It controls enrollment in public schools only.² For purposes of the compact, "state" refers any of the 50 U.S. states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory.

Applicability

(Articles II(B) and III)

The provisions of the compact apply *only* to school-age children in grades K through 12 of:

(1) "Active duty members of the uniformed services,"³ including members of the National Guard and Reserve while on active duty;

¹ See <http://www.csg.org/programs/ncic/EducatingMilitaryChildrenCompact.aspx>.

² The compact refers to a public school as a "local educational agency," which it defines as "a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions" (Article II(H)).

³ The compact defines "uniformed services" as the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Service (Article II(R)).

(2) Members or veterans of the uniformed services who are severely injured and either are medically discharged or are retired, for a period of one year after their medical discharge or retirement; and

(3) Members of the uniformed services who die while on active duty or die as a result of injuries sustained while on active duty, for a period of one year after their death.

Records and enrollment

(Articles IV and VI)

The compact specifies that when the child of a military parent seeks to enroll in a new school and the student's "official" education records cannot be released at that time, the keeper of the records in the sending state must prepare and furnish to the parent a complete set of "unofficial" educational records. Upon receipt of the unofficial records by a school in the receiving state, the school "as quickly as possible" must enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records. The compact also requires the school in the receiving state to request the student's official education record from the school in the sending state. The school in the sending state must process and furnish the student's official education records within ten days or "within such time as is reasonably determined under the rules promulgated by the Interstate Commission."⁴

States are required under the compact to give at least 30 days from the date of enrollment, "or within such time as is reasonably determined under the rules promulgated by the Interstate Commission," for students to obtain any immunizations required by the receiving state. Current Ohio law generally gives only 14 days for students to provide a record of the required immunizations.⁵

The compact specifies that anyone who has a "special power of attorney, relative to the guardianship of a child" may enroll the child in school. No tuition may be

⁴ Under current Ohio law, likely not affected by the compact, each public or nonpublic school, within 24 hours of a student's first enrollment, must request the student's official record from the student's former school. The school must notify the appropriate law enforcement agency that the newly enrolled student may be a missing child if (1) the school does not receive the record within 14 days, (2) the school to which the request was made indicates that it does not have a record for that student, or (3) the student does not provide the school with a birth certificate or other legitimate proof of birth date and birthplace. (R.C. 3313.672, not in the bill.)

⁵ R.C. 3313.671, not in the bill.

charged for a child of a military parent who is placed with a guardian while the parent is away on active duty.⁶

Placement

(Articles IV and V)

The school in the receiving state must allow the student to enroll in the same grade level in which the student was enrolled in the sending state. In addition, if the student has satisfactorily completed the prerequisites for promotion to the next grade level of the school in the sending state, the school in the receiving state must honor that promotion. Also, a school in the receiving state must initially honor the "placement" for the student in educational courses based on the student's enrollment in the sending state, if those courses are offered by the school in the receiving state. The compact specifies that school officials must have the flexibility to waive course or program prerequisites if necessary to accommodate the placement of the child of a military parent.

Graduation requirements

(Article VII)

The compact requires that local school officials waive specific courses required for graduation from high school if the child of a military parent has satisfactorily completed similar coursework at a public school in a sending state or provide "reasonable justification" for denial of a waiver. If a waiver is not granted to a student who would qualify to graduate from the student's former school, the school in the receiving state must provide an alternative means of acquiring required coursework so that student still may graduate on time. If a student transfers during the student's senior year and is not eligible for graduation even "after all alternatives have been

⁶ Under current Ohio law, probably not affected by the compact, every student residing in Ohio who is at least 5 and less than 22 years old (or, if disabled, at least 3 and less than 22) may attend school free of tuition in the school district in which the student's parent resides. In many prescribed circumstances, a child may enroll in the school district in which the child, but not the child's parent, resides. In some situations, tuition must be charged to some other district or entity. But no tuition may be charged for the child of a military parent living with a person who has a military power of attorney or a comparable document giving that person care, custody, and control of the child while the parent is on active duty. Also, a child of a military parent who has relocated out of the parent's permanent resident Ohio school district while on active duty may continue to attend school in that district free of tuition but is not entitled to transportation to school in that district. (R.C. 3313.64 and 3313.65, neither in the bill.) A child who resides in Ohio and is between 6 and 18 years old is "of compulsory school age" and must attend a public or private school that meets the minimum education standards set by the State Board of Education unless excused for home instruction or medical reasons (R.C. 3321.01, not in the bill).

considered," the school officials in both the sending and receiving states must "ensure the receipt of a diploma" from the school in the sending state. The compact also specifies that states must accept end-of-course exams required in sending states, national norm-referenced tests, and "alternative testing."⁷

Excused absences

(Article V(E))

The compact requires that school officials grant a child of a military parent "additional excused absences" to visit the child's parent, if the parent is called to active duty in a combat zone or is on leave from a combat zone.

Extracurricular participation

(Articles II(F) and VI(B))

The compact requires that state and local school officials must "facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified." It defines an extracurricular activity as "a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities."

State coordination

(R.C. 3301.61, 3301.62, and 3301.63)

As required by the compact (Article VIII), the bill establishes a state council and other offices to implement the state's participation in the compact.

State council

The State Council on Educational Opportunity for Military Children must oversee and coordinate the state's participation in the compact. It is made up of the following voting members:

⁷ R.C. 3313.603, not in the bill, prescribes a minimum of 20 specified units of study for graduation from any high school in the state. Graduation from both public and chartered nonpublic high schools in Ohio requires both (1) completion of the school's curriculum, and (2) attainment of a proficient score on all five Ohio Graduation Tests, or in some instances four of the five tests (R.C. 3313.61, 3313.612, 3313.615, and 3325.08, none in the bill).

- (1) The Superintendent of Public Instruction;
- (2) The superintendent of a school district that has a high concentration of children of military families, appointed by the Governor;
- (3) A representative of a military installation located in Ohio, appointed by the Governor; and
- (4) A representative of the Governor's office, appointed by the Governor.

The state council also includes the following nonvoting members:

- (1) Two members of the House of Representatives, one each appointed by the Speaker and minority leader of the House;
- (2) Two members of the Senate, one each appointed by the President and minority leader of the Senate;
- (3) The state compact commissioner (see below);
- (4) The military education family education liaison (see below); and
- (5) Other members appointed in the manner prescribed by and seated at the discretion of the voting members of the council.

Compact commissioner

The bill requires the Governor to appoint a compact commissioner to administer the state's participation in the interstate compact. The compact commissioner is the state's voting representative on the Interstate Compact Commission (Articles II(C) and IX(B)).

Liaison

Finally, the bill directs the state council to appoint a military family education liaison to assist families and the state in implementing the interstate compact.

COMMENT

The bill specifies that the Governor's Office of Veterans' Affairs must provide staff support for the state council and the military education family education liaison. It also specifies that the compact commissioner must be a state officer within the

Governor's Office of Veterans' Affairs.⁸ That office recently was replaced by the new Ohio Department of Veterans Services.⁹ Section 5 of the act that created the Department provides that whenever a statute refers to the former Governor's Office of Veterans' Affairs "the reference is deemed to refer to the Department of Veterans Services." Still, it may be appropriate to amend the bill to refer to the Department of Veterans Services.

HISTORY

ACTION	DATE
Introduced	04-29-09

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⁸ The compact specifies that a compact commissioner may be appointed by the state's Governor "or as otherwise determined by each member state" (Article VIII(C)).

⁹ Am. Sub. S.B. 289 of the 127th General Assembly, effective August 22, 2008.

