



# Ohio Legislative Service Commission

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## Bill Analysis

John Rau  
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### Sub. H.B. 165

128th General Assembly  
(As Passed by the House)

**Reps.** Ujvagi, Weddington, Evans, Pryor, Chandler, Harris, B. Williams, Okey, Yuko, Dodd, Hagan, Heard, Skindell, Domenick, Letson, S. Williams, Boyd, Winburn, Luckie, DeBose, Driehaus, Garland, Gerberry, Lundy, Moran, Phillips, Stebelton, R. Adams, Baker, Hite, Huffman, Lehner, Martin, Morgan, Oelslager, Wagner, J. Adams, Amstutz, Bacon, Balderson, Batchelder, Belcher, Blessing, Bolon, Book, Boose, Bubp, Carney, Celeste, Combs, Daniels, DeGeeter, Dolan, Dyer, Fende, Foley, Gardner, Garrison, Goodwin, Goyal, Grossman, Hackett, Hall, Harwood, Hottinger, Jones, Koziura, Maag, Mallory, Mandel, McGregor, Mecklenborg, Murray, Newcomb, Patten, Pillich, Sayre, Schneider, Sears, Slesnick, Snitchler, Stautberg, Stewart, Szollosi, Uecker, Yates, Zehringer

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## BILL SUMMARY

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

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## 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 proposed sections were enacted by Am. Sub. H.B. 1 of the 128th General Assembly (the main operating budget for the 2010-2011 biennium) and took effect October 16, 2009, thereby ratifying the compact on that date. 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, 26 states (including Ohio) have now ratified it, and the compact is effective.<sup>1</sup>

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 (R.C. 3301.61 to 3301.63; 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.<sup>2</sup> For purposes of the compact, "state" refers to 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.

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<sup>1</sup> See [http://www.csg.org/programs/policyprograms/NCIC/interstatecompact\\_militarychildren\\_edop.aspx](http://www.csg.org/programs/policyprograms/NCIC/interstatecompact_militarychildren_edop.aspx) (visited 01/06/10).

<sup>2</sup> The compact refers to a public school as a "local education 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)).

## 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,"<sup>3</sup> including members of the National Guard and Reserve while on active duty;

(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" education 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 records 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."<sup>4</sup>

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<sup>3</sup> 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)).

<sup>4</sup> 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

States are required under the compact to give 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.<sup>5</sup>

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

## **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.

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provide the school with a birth certificate or other legitimate proof of birth date and birthplace. (R.C. 3313.672, not in the bill.)

<sup>5</sup> R.C. 3313.671, not in the bill.

<sup>6</sup> 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).



## **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 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."<sup>7</sup>

## **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."

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<sup>7</sup> 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).

## **State coordination**

(R.C. 3301.61, 3301.62, 3301.63, and 3301.64)

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. The state council is under the Department of Education, which must provide staff support for the council.

### **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:

- (1) The Superintendent of Public Instruction or the Superintendent's designee;
- (2) The Director of Veterans Services or the Director's designee;
- (3) The superintendent of a school district that has a high concentration of children of military families, appointed by the Governor;
- (4) A representative of a military installation located in Ohio, appointed by the Governor; and
- (5) 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 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, who must be a state officer within the Department of Education, to administer the state's

participation in the interstate compact. The compact commissioner is the state's voting representative on the Interstate Commission (Articles II(C) and IX(B)). The commissioner serves at the pleasure of the Governor.

### **Liaison**

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

### **Annual assessment**

Finally, the bill requires the Department of Education and the Department of Veterans Services to divide and pay equally the annual assessment charged to the state for participating in the compact.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	04-29-09
Reported, H. Education	06-03-09
Passed House (99-0)	06-10-09

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