

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7013 PCB PKQ 19-01 Interstate Compact on Educational Opportunity for Military Children

SPONSOR(S): PreK-12 Quality Subcommittee, Smith, D.

TIED BILLS: None **IDEN./SIM. BILLS:** SB 212

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Quality Subcommittee	14 Y, 0 N	McAlarney	Guy
1) Local, Federal & Veterans Affairs Subcommittee	11 Y, 0 N	Renner	Miller
2) Education Committee	16 Y, 0 N	McAlarney	Hassell

SUMMARY ANALYSIS

The bill reenacts the Interstate Compact on Educational Opportunity for Military Children (Compact). The purpose of the Compact is to enable member states to uniformly address educational transition issues faced by military families. The Compact governs member states in several areas, including school placement, enrollment, records transfer and graduation for children of active-duty military families. All 50 states and the District of Columbia are Compact members.

The Compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the Compact. The Commission is comprised of one voting representative, or Compact Commissioner, from each member state. Among other things, the Commission may adopt and enforce compact rules which govern member states in the areas addressed by the Compact. Compact rules supersede conflicting member state laws to the extent necessary to accomplish the purposes of the compact.

Since enactment in 2008, Florida's Compact legislation has included a repeal provision which requires automatic repeal of the Compact after a period of time, unless reauthorized by the Legislature. Because Compact membership entails an agreement to be bound by rules promulgated by a non-legislative entity, i.e., the Commission, the repeal provision allows the Legislature to periodically review Compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. The Legislature last reauthorized the Compact in 2016 and provided for repeal of the Compact on July 1, 2019.

The bill reauthorizes Florida's Compact legislation and adds a new automatic repeal provision, effective three years after the bill becomes law.

The General Appropriations Act provides \$42,813 in recurring funds to the Department of Education to pay the state's annual dues to the Interstate Commission on Educational Opportunity for Military Children.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

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 12.¹ When a parent is reassigned, military children 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.
- The need to appoint temporary guardians while the child's parent is deployed.²

The Interstate Compact on Educational Opportunity for Military Children (Compact) assists member states in uniformly addressing educational transition issues faced by active-duty military families. The Compact governs member states in several areas, including school placement, enrollment, records transfer, participation in academic programs and extracurricular activities, and graduation. The Compact was developed by the Council of State Governments, in cooperation with the U.S. Department of Defense.³

Children of active duty military, National Guard members on active duty orders, Reservists on active duty orders, National Oceanic and Atmospheric Administration (NOAA) commissioned officers, United States Public Health Service (USPHS) commissioned officers, and veterans who are medically discharged or retired for one year are eligible for assistance under the Compact. The Compact also covers students of those who perish on active duty for a period of one year following their death.⁴

States join the Compact by enacting it into law, which Florida did during the 2008 General Session.⁵ Ten states must enact the Compact before it can take effect and be binding on member states. This occurred when Delaware became the tenth state to adopt the Compact on July 9, 2008.⁶ Currently, all 50 states and the District of Columbia are Compact members.⁷

The Compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the Compact. The Commission may adopt and enforce rules and bylaws and perform various administrative functions necessary for day-to-day operation.⁸ The Commission is comprised of one voting representative, or Compact Commissioner, from each member state. Each state is entitled to one vote on Compact rule adoption or other business matters.⁹ The Commission must meet at least once per year.¹⁰

¹ Council of State Governments, Interstate Compact on Educational Opportunity for Military Children, Background, *available at* http://www.csg.org/programs/policyprograms/NCIC/interstatecompact_militarychildren_edop.aspx (last visited Jan. 18, 2019).

² *Id.*

³ *Id.*

⁴ Council of State Governments, Background, *available at* <http://www.mic3.net/background.html> (last visited Jan 18, 2019).

⁵ Chapter 2008-225, L.O.F.; CS/HB 1203 (2008); ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S.

⁶ Article XV, s. B. of the Compact, s. 1000.36, F.S.; 76 Del. Laws 327 (2008).

⁷ Military Interstate Children's Compact Commission, Interactive Map, *available at* <http://www.mic3.net/interactive-map.html> (last visited Jan. 19, 2019).

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

⁹ Article IX, s. B. of the Compact, s. 1000.36, F.S.

Compact Rule Adoption

The Commission is authorized to promulgate Compact rules which govern member states in 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.¹¹ Compact rules must not exceed the scope of authority granted by Compact. A majority of member state legislatures may invalidate a Compact rule by legislative action.¹²

Since enactment in 2008, Florida's Compact legislation has included a repeal provision which requires automatic repeal of the Compact after a period of time, unless reauthorized by the Legislature.¹³ The repeal provision addresses concerns regarding unconstitutional delegation of legislative authority under Article II, s. 3, of the Florida Constitution.¹⁴ Because membership in the Compact entails an agreement to be bound by rules promulgated by a non-legislative entity, i.e., the Commission, the repeal provision allows the Legislature to periodically review Compact rules and determine whether it agrees with any new rules or rule amendments adopted during the intervening period.

The Legislature last reauthorized the Compact in 2016, and provided for repeal of the Compact three years after enactment, on July 1, 2019.¹⁵

Effect of Proposed Changes

The bill extends the automatic repeal provision from July 1, 2019, to July 1, 2022.

B. SECTION DIRECTORY:

Section 1. Amends s. 1000.40, F.S., extending the automatic repeal provision from July 1, 2019, to July 1, 2022.

Section 2. Provides that the bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

¹⁰ Article IX, s. D. of the Compact, s. 1000.36, F.S.

¹¹ Article X, s. B. and XVIII, s. B. of the Compact, s. 1000.36, F.S.

¹² Article XII of the Compact, s. 1000.36, F.S.

¹³ *See, e.g.*, s. 3, ch. 2010-52, L.O.F.

¹⁴ Article II, s. 3 of the Florida Constitution provides for separation of powers among the executive, legislative, and judicial branches of state government. Courts construing this provision have held that the Legislature, when delegating the administration of legislative programs to executive agencies or other entities, must establish minimal standards and guidelines ascertainable by reference to the legislation creating the program. *See Avatar Development Corp. v. State*, 723 So.2d 199 (Fla. 1998).

¹⁵ Section 1000.40, F.S.

The General Appropriations Act provides \$42,813 in recurring funds to the Department of Education to pay the state's annual dues to the Interstate Commission on Educational Opportunity for Military Children.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.