

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS  
FINAL BILL ANALYSIS**

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

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

**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	Hassell
1) Local, Federal & Veterans Affairs Subcommittee	11 Y, 0 N	Renner	Miller
2) Education Committee	16 Y, 0 N	McAlarney	Hassell
<b>FINAL HOUSE FLOOR ACTION:</b> 112            Y's    0            N's		<b>GOVERNOR'S ACTION:</b> Approved	

**SUMMARY ANALYSIS**

HB 7013 passed the House on March 27, 2019, as SB 212.

The bill reenacts the Interstate Compact on Educational Opportunity for Military Children (Compact). The Compact enables 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.

Florida's Compact legislation includes 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 extends the repeal of the authority to July 1, 2022, unless reviewed and reinacted by the legislature.

The General Appropriations Act provides \$42,813 in recurring funds to the Florida Department of Education to pay the state's annual dues to the Commission.

The bill was approved by the Governor on April 8, 2019, ch. 2019-7, L.O.F., and became effective on that date.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Present Situation

##### 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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

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 children of those who perish on active duty for a period of one year following their death.<sup>4</sup>

States join the Compact by enacting it into law, which Florida did during the 2008 General Session.<sup>5</sup> 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.<sup>6</sup> Currently, all 50 states and the District of Columbia are Compact members.<sup>7</sup>

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.<sup>8</sup> 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

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<sup>1</sup> 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](http://www.csg.org/programs/policyprograms/NCIC/interstatecompact_militarychildren_edop.aspx) (last visited April 25, 2019).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Council of State Governments, Background, available at <http://www.mic3.net/background.html> (last visited April 25, 2019).

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

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

<sup>7</sup> Military Interstate Children's Compact Commission, Interactive Map, available at <http://www.mic3.net/interactive-map.html> (last visited April 25, 2019).

<sup>8</sup> Article X, of the Compact, s. 1000.36, F.S.

business matters.<sup>9</sup> The Commission must meet at least once per year.<sup>10</sup>

### **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.<sup>11</sup> 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.<sup>12</sup>

Florida's Compact legislation includes a repeal provision which requires automatic repeal of the Compact after a period of time, unless reauthorized by the Legislature.<sup>13</sup> The repeal provision addresses concerns regarding unconstitutional delegation of legislative authority under Article II, s. 3, of the Florida Constitution.<sup>14</sup> 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.<sup>15</sup>

### **Effect of Proposed Changes**

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

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

The General Appropriations Act provides \$42,813 in recurring funds to the Florida Department of Education to pay the state's annual dues to the Commission.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

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<sup>9</sup> Article IX, s. B. of the Compact, s. 1000.36, F.S.

<sup>10</sup> Article IX, s. D. of the Compact, s. 1000.36, F.S.

<sup>11</sup> Article X, s. B. and XVIII, s. B. of the Compact, s. 1000.36, F.S.

<sup>12</sup> Article XII of the Compact, s. 1000.36, F.S.

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

<sup>14</sup> 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).

<sup>15</sup> Section 1000.40, F.S.

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.