

**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.)

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Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

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BILL: SB 1528

INTRODUCER: Senator Collins

SUBJECT: Educational Opportunities for Military Children

DATE: March 17, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Proctor</u>	<u>MS</u>	<u><b>Pre-meeting</b></u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>FP</u>	_____

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**I. Summary:**

SB 1528 reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children (Compact) and provides for future legislative review and repeal of the Compact on July 1, 2028. Participation in the Compact enables member states to address educational transition issues faced by military families as they transfer between states or school districts pursuant to official military orders.

The bill directs the Department of Education (DOE) to develop and implement a training module relating to facilitating and expediting the transfer of a K-12 student's education records from an out-of-state school. The DOE must provide the training module to each district school board to provide to each public and charter K-12 school within its district. The district school board must make the training available to employees who work directly with military students and families.

This bill may have an insignificant negative fiscal impact. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

**II. Present Situation:**

**Interstate Compact on Educational Opportunity for Military Children**

Children in active-duty military families face unique educational challenges. A military child changes schools on average three times more often than a non-military child.<sup>1</sup> Frequent moves may cause students to miss out on extracurricular activities and face obstacles in meeting

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<sup>1</sup> U.S. Dep't of Defense Education Activity (DoDEA). *The Military Interstate Compact*, available at <https://www.dodea.edu/education/partnership-and-resources/military-interstate-compact> (last visited Feb. 19, 2025).

requirements to graduate.<sup>2</sup> A military child experiences stress from gaps in education, difficulty in stopping and starting friendships, and repeated required adjustment to a new school setting.<sup>3</sup> Deployment of a family member exacerbates stress.<sup>4</sup>

To provide transitioning military children greater educational stability and uniformity, in 2006, the U.S. Department of Defense (DoD), in concert with the Council of State Governments established the Compact.<sup>5</sup> The Compact only applies to public schools or to DoD Education Activity Schools.<sup>6</sup>

States join the Compact by enacting it into law, which Florida did in 2008.<sup>7</sup> Before the compact could go into effect, at least 10 states had to sign on.<sup>8</sup> This occurred in July 2008, when Delaware became the tenth state to adopt the Compact.<sup>9</sup> Currently, all 50 states and the District of Columbia are members of the Compact.<sup>10</sup>

The Compact applies to students who are children of:

- Active duty members of the uniformed services,<sup>11</sup> 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; and
- Members of the uniformed services who die on active duty, for a period of one year following death.<sup>12</sup>

Excluded from the Compact are children of DoD personnel or federal agency civilians and contract employees not on active duty.<sup>13</sup>

The Compact accommodates military children in the following areas:

- Eligibility, including authorizing continued enrollment in the current school and reasonable accommodation for extracurricular participation;

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

<sup>3</sup> Neil, Lori, U.S. Dep't of Education, *The Unique Needs of Students from Military Families*, available at <https://files.eric.ed.gov/fulltext/EJ1230690.pdf> (last visited Feb. 19, 2025).

<sup>4</sup> *Id.*

<sup>5</sup> Military Interstate Children's Compact Commission, *Background*, available at <https://mic3.net/background/> (last visited Feb. 19, 2025).

<sup>6</sup> Military Interstate Children's Compact Commission, *Frequently Asked Questions*, available at [https://mic3.net/wp-content/uploads/2023/08/FAQ-Final-Updates-2023\\_FINAL\\_2023.08.16.pdf](https://mic3.net/wp-content/uploads/2023/08/FAQ-Final-Updates-2023_FINAL_2023.08.16.pdf) (last visited Feb. 19, 2025).

<sup>7</sup> Ch. 2008-225, Laws of Fla.

<sup>8</sup> U.S. Army, *Delaware Becomes the 10<sup>th</sup> State to Ratify Military Education Compact*, (July 17, 2008), available at <https://www.army.mil/article-amp/10975> (last visited Feb. 19, 2025).

<sup>9</sup> *Id.*

<sup>10</sup> Military Interstate Children's Compact Commission, *Interactive Map*, available at <http://www.mic3.net/interactive-map.html> (last visited Feb. 19, 2025).

<sup>11</sup> "Uniformed services" means the Army, Navy, Air Force, Space Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services. See Article II, s. R of the Compact, s. 1000.36, F.S.

<sup>12</sup> Military Interstate Children's Compact Commission, *supra* note 6. Also see Article III, s. A. of the Compact, s. 1000.36, F.S.

<sup>13</sup> Military Interstate Children's Compact Commission, *supra* note 6. Also see Article III, s. C. of the Compact, s. 1000.36, F.S.

- Enrollment, including in the production of education records, timing of immunizations, and flexibility in the entrance age of the child;
- Placement, including in accommodating original course and program placement, maintaining the same special education services as in the transferred school district, placement flexibility such as a waiver of prerequisites if similar coursework was already completed, and flexibility in absences due to family time with a deployed parent; and
- Graduation, including course waivers if similar coursework is already completed at another school, accepting exit exams from a sending state, and accepting a diploma from a sending school for a transfer during senior year so that a student may graduate on time.<sup>14</sup>

### ***Florida State Council***

The Compact requires member states to establish a State Council to coordinate the implementation of the Compact.<sup>15</sup> While each state may determine the membership of its own State Council, membership must include, at a minimum:

- The state superintendent of education;
- The superintendent of a school district with a high concentration of military children;
- One representative from a military installation;
- One representative from the legislative branch of government; and
- One representative from the executive branch of government.<sup>16</sup>

Additionally, the state must appoint or designate a military family education liaison and a compact commissioner. Each of these appointees, unless already a full voting member of the state council, shall serve as an ex officio member of the state council.<sup>17</sup> Florida's State Council, consisting of eight members, conducts meetings quarterly and typically via teleconference.<sup>18</sup>

### ***Military Interstate Children's Compact Commission***

The Compact establishes the Interstate Commission on Educational Opportunity for Military Children (Interstate Commission) to provide national-level oversight of the Compact.<sup>19</sup> The Interstate Commission, also known as the Military Interstate Children's Compact Commission,<sup>20</sup> may adopt and enforce rules and bylaws and perform various administrative functions necessary for day-to-day operations.<sup>21</sup> The Interstate Commission is comprised of one voting representative, known as a compact commissioner, from each member state.<sup>22</sup> Each state is

<sup>14</sup> Dep't of Defense Education Activity, *The Interstate Compact on Educational Opportunity for Military Children, Fact Sheet for Service Providers*, available at <https://dodea.widen.net/s/5fzm2hhlxc/interstatecompacttoolkit-ooreview-15june2015> (last visited Feb. 19, 2025).

<sup>15</sup> Article VIII of the Compact, s. 1000.36, F.S.

<sup>16</sup> Article VIII, s. A of the Compact, s. 1000.36, F.S.

<sup>17</sup> Article VIII, ss. B, C, and D, of the Compact, s. 1000.36, F.S., and s. 1000.39(3)(e), F.S.

<sup>18</sup> Military Interstate Children's Compact Commission, *Florida State Council Profile*, available at <https://mic3.net/state/florida/> (last visited Feb. 19, 2025).

<sup>19</sup> Articles IX and X of the Compact, s. 1000.36, F.S.

<sup>20</sup> Military Interstate Children's Compact Commission, *Interstate Compact on Educational Opportunity for Military Children, Compact Rules*, adopted 2009, amended 2023, available at [https://mic3.net/wp-content/uploads/2020/06/MIC3-Rules-Book\\_Dec2023\\_WEB\\_1-10-24.pdf](https://mic3.net/wp-content/uploads/2020/06/MIC3-Rules-Book_Dec2023_WEB_1-10-24.pdf) (last visited Feb 19, 2025).

<sup>21</sup> Articles IX and X of the Compact, s. 1000.36, F.S.

<sup>22</sup> Article IX, s. B of the Compact, s. 1000.36, F.S. The voting representative from each state is the state's compact commissioner.

entitled to one vote on Compact rule adoption or other business matters.<sup>23</sup> The Interstate Commission must meet at least once each calendar year.<sup>24</sup>

The Interstate Commission is authorized to promulgate Compact rules that govern member states in the areas addressed by the Compact.<sup>25</sup> 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>26</sup> 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.<sup>27</sup>

### ***Review of Compact Rule Adoption***

Since its enactment in 2008,<sup>28</sup> Florida's Compact legislation has included a repeal provision that requires automatic repeal of the Compact after a period of time, unless reauthorized by the Legislature.<sup>29</sup> 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 and its implementing provisions during the 2022 Regular Session<sup>30</sup> and provided for repeal of the Compact and its implementing provisions on July 1, 2025, unless reviewed and saved from repeal by the Legislature by that date.<sup>31</sup>

### ***Withdrawal from the Compact***

The Legislature has the authority to withdraw from the Compact and repeal the statutes that enacted the compact into law at any time. Withdrawal from the Compact occurs when a statute repealing its membership is enacted by the state but does not take effect until 1 year after the effective date of the statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member state.<sup>32</sup>

In addition, the withdrawing state must immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact, and would still be responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal.<sup>33</sup>

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<sup>23</sup> Article IX, s. B (1.) of the Compact, s. 1000.36, F.S.

<sup>24</sup> Article IX, s. D of the Compact, s. 1000.36, F.S.

<sup>25</sup> Military Interstate Children's Compact Commission, *supra* note 20.

<sup>26</sup> 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.

<sup>27</sup> Article XII, s. D of the Compact, s. 1000.36, F.S.

<sup>28</sup> Chapter 2008-225, Laws of Fla.

<sup>29</sup> See ch. 2008-225, s. 5, ch. 2010-52, s. 3, ch. 2013-20, s. 2, ch. 2016-34, s. 2, ch. 2019-7, s. 1, and, ch. 2022-182, s. 2, Laws of Fla.

<sup>30</sup> Chapter 2022-182, s. 2, Laws of Fla. See s. 1000.40, F.S.

<sup>31</sup> *Id.*

<sup>32</sup> Article XVI, s. A of the Compact, s. 1000.36, F.S.

<sup>33</sup> *Id.*

## Procedures for Maintenance and Transfer of Student Records

Each school principal must maintain a permanent cumulative record for each student enrolled in a public K-12 school. The record must be maintained in the form, and contain all data, required by Florida Administrative Code Rule 6A-1.0955. The cumulative record is confidential and exempt from the provisions of public records under s. 119.07(1), F.S., and is open to inspection only as provided in ch. 1002, F.S.<sup>34</sup>

Information contained in education records must be classified and retained as follows:

- Category A: Information for each student which must be kept current while the student is enrolled and retained permanently in the manner prescribed by s. 1001.52(2), F.S.
- Category B: Information which is subject to periodic review and elimination when the information is no longer useful in the manner prescribed by s. 1001.52(3), F.S.<sup>35</sup>

The content of Category A records, which must be maintained for each student, are as follows:

- Student's full legal name;
- Authenticated birthdate, place of birth, race, ethnicity and sex;
- Last known address of the student,
- Names of the student's parent(s) or guardian(s);
- Name and location of last school attended;
- Number of days present and absent, date enrolled and date withdrawn;
- Courses taken and record of achievement, such as grades, units, or certification of competence;
- Date of graduation or date of program completion; and
- Records of requests for access to and disclosure of personally identifiable information from the education records of the student as required by the Family Educational Rights and Privacy Act.<sup>36</sup>

The content of Category B records may include, but are not limited to:

- Health information and health care plans;
- Family background data;
- Standardized test scores;
- Educational and career plans;
- Honors and activities;
- Work experience reports;
- Teacher comments;
- Reports of student services or exceptional student staffing committees including all information required by s. 1001.42(13), F.S.;
- Discipline records;
- School Environmental Safety Incident Reports collected under s. 1006.07(9), F.S.;

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<sup>34</sup> Section 1003.25(1), F.S.

<sup>35</sup> Fla. Admin. Code R. 6A-1.0955 (2024).

<sup>36</sup> *Id.*

- Except as provided in Subsection (6),<sup>37</sup> threat assessments done by the threat assessment team pursuant to s. 1006.07(7), F.S.;
- Academic and behavioral intervention services,
- Psychological evaluations;
- Therapeutic treatment plans and therapy progress notes;
- Correspondence from community agencies or private professionals,
- Driver education certificate;
- List of schools attended;
- Written agreements of corrections, deletions or expunctions as a result of meetings or hearings to amend educational records; and
- Records designated for retention by the Florida Department of State in General Records Schedule GS7 for Public Schools Pre-K – 12, Adult and Vocational/Technical.<sup>38</sup>

The procedure for transferring and maintaining records of students who transfer from school to school is prescribed by rules<sup>39</sup> of the State Board of Education.<sup>40</sup>

The transfer of education records:

- Must be made immediately upon written request of an eligible student, a parent or a receiving school. The principal or designee must transfer a copy of all Category A and Category B information and must retain a copy of Category A information; however, student records which are required for audit purposes for programs listed in s. 1010.305, F.S.,<sup>41</sup> must be maintained in the district for the time period pursuant to Florida Administrative Code Rule 6A-1.0453.
- Must not be delayed for nonpayment of a fee or fine assessed by the school.
- Of students who transfer from school to school must occur within 5 school days of receipt of the request for records from the new school or district, or receipt of the identity of the new school and district of enrollment, whichever occurs first. In accordance with s. 1003.25, F.S., student records must contain verified reports of serious or recurrent behavior patterns, including all documentation and related information for reports of concerning behavior, concerning communication, or threats that are documented using any portion of the Florida Harm Prevention and Threat Management Instrument,<sup>42</sup> and psychological evaluations, including therapeutic treatment plans and therapy progress notes created or maintained by district or charter school staff. All reports of concerning behavior, concerning

<sup>37</sup> Fla. Admin. Code R. 6A-1.0955 (2024), subsection (6) provides all reports of concerning behavior, concerning communications, or threats documented using the Florida Harm Prevention and Threat Management Instrument prescribed by Rule 6A-1.0019, F.A.C., are Category B records and shall be maintained in a student's file as long as determined useful by a threat management team, pursuant to section 1006.07(7), F.S., and Rule 6A-1.0019, F.A.C. These records include all corresponding documentation and any additional information required by the Florida Model for threat management related to the reporting, evaluation, intervention, and management of threat assessment evaluations and intervention services.

<sup>38</sup> Fla. Admin. Code R. 6A-1.0955 (2024).

<sup>39</sup> *Id.*

<sup>40</sup> Section 1003.25(2), F.S.

<sup>41</sup> Section 1010.305(1), F.S., provides that the Auditor General shall periodically examine the records of school districts, and other agencies as appropriate, to determine compliance with law and State Board of Education rules relating to the classification, assignment, and verification of full-time equivalent student enrollment and student transportation reported under the Florida Education Finance Program.

<sup>42</sup> Fla. Admin. Code R. 6A-1.0955 (2024), *Florida Harm Prevention and Threat Management Manual*, available at <https://www.fldoe.org/core/fileparse.php/18612/urlt/Threat-Management-Manual-FINAL-1.pdf> (last visited Mar. 12, 2025).

communication, or threats must be transferred, regardless of the outcome or level of concern.<sup>43</sup>

Procedures relating to the acceptance of transfer work and credit for students must be prescribed by rule by the State Board of Education.<sup>44</sup>

### **III. Effect of Proposed Changes:**

SB 1528 amends s. 1000.40, F.S., to reauthorize Florida's Compact legislation and provide for the repeal of the Compact statutes, ss. 1000.36, 1000.361, 1000.38, and 1000.39, F.S., on July 1, 2028, unless reviewed and reenacted by the Legislature by that date.

The bill amends s. 1003.05, F.S., to direct the DOE to develop and implement a training module relating to facilitating and expediting the transfer of a K-12 student's education records from an out-of-state school. The DOE must provide the training module to each district school board to provide to each public and charter K-12 school within its district. The district school board must make the training available to employees who work directly with military students and families.

The bill takes effect July 1, 2025.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None identified.

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<sup>43</sup> Fla. Admin. Code R. 6A-1.0955 (2024).

<sup>44</sup> Section 1003.25(3), F.S.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The annual fee that member states pay as dues to the Interstate Commission is at the rate of \$1.15 per dependent child of a military family eligible for transfer under the Compact.<sup>45</sup> The total number of military connected students at the end of the 2023-2024 school year was 40,815.<sup>46</sup> Funding in the amount of \$45,187 for the dues was included in the 2024-2025 General Appropriations Act.<sup>47</sup>

There is currently no notice of change to the rate charged per dependent child of a military family eligible for transfer under the Compact, which the annual fee is based. Therefore, the bill may have an insignificant negative fiscal impact, which will be based on the number of dependent children of a military family eligible for transfer under the Compact for the 2024-2025 school year.

There may be an insignificant fiscal impact related to the development and implementation by the DOE of a training module relating to facilitating and expediting the transfer of a K-12 student's education records from an out-of-state school and then making the training available to employees who work directly with military students and families.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1000.40 and 1003.05.

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<sup>45</sup> Military Interstate Children's Compact Commission, *supra* note 20.

<sup>46</sup> Email from Steve Koncar, Deputy Chief of Staff, Florida Dep't of Education, to Cindy Brown and Tim Proctor (Nov. 22, 2024) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>47</sup> *Id.*

**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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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