

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.)

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

BILL: SB 400

INTRODUCER: Senator Wright

SUBJECT: Interstate Compact on Educational Opportunity for Military Children

DATE: March 4, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ingram</u>	<u>Proctor</u>	<u>MS</u>	Favorable
2.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 400 saves from repeal the provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children (Compact). 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.

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

The bill takes effect upon becoming law.

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.¹ Frequent moves may cause students to miss out on extracurricular activities and face obstacles in meeting requirements to graduate.² A military child experiences stress from gaps in education, difficulty in stopping and starting friendships, and repeated required adjustment to a new school setting.³ Deployment of a family member exacerbates stress.⁴

¹ 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).

² *Id.*

³ 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).

⁴ *Id.*

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.⁵ The Compact only applies to public schools or to DoD Education Activity Schools.⁶

States join the Compact by enacting it into law, which Florida did in 2008.⁷ Before the compact could go into effect, at least 10 states had to sign on.⁸ This occurred in July 2008, when Delaware became the tenth state to adopt the Compact.⁹ Currently, all 50 states and the District of Columbia are members of the Compact.¹⁰

The Compact applies to students who are children of:

- Active duty members of the uniformed services,¹¹ 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.¹²

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

The Compact accommodates military children in the following areas:

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

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

⁶ 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 (last visited Feb. 19, 2025).

⁷ Ch. 2008-225, Laws of Fla.

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

⁹ *Id.*

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

¹¹ “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.

¹² Military Interstate Children’s Compact Commission, *supra* note 6. Also see Article III, s. A. of the Compact, s. 1000.36, F.S.

¹³ Military Interstate Children’s Compact Commission, *supra* note 6. Also see Article III, s. C. of the Compact, s. 1000.36, F.S.

- 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.¹⁴

Florida State Council

The Compact requires member states to establish a State Council to coordinate the implementation of the Compact.¹⁵ 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.¹⁶

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.¹⁷ Florida's State Council, consisting of eight members, conducts meetings quarterly and typically via teleconference.¹⁸

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.¹⁹ The Interstate Commission, also known as the Military Interstate Children's Compact Commission,²⁰ may adopt and enforce rules and bylaws and perform various administrative functions necessary for day-to-day operations.²¹ The Interstate Commission is comprised of one voting representative, known as a compact commissioner, from each member state.²² Each state is entitled to one vote on Compact rule adoption or other business matters.²³ The Interstate Commission must meet at least once each calendar year.²⁴

¹⁴ 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).

¹⁵ Article VIII of the Compact, s. 1000.36, F.S.

¹⁶ Article VIII, s. A of the Compact, s. 1000.36, F.S.

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

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

¹⁹ Articles IX and X of the Compact, s. 1000.36, F.S.

²⁰ 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 (last visited Feb 19, 2025).

²¹ Articles IX and X of the Compact, s. 1000.36, F.S.

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

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

²⁴ Article IX, s. D of the Compact, s. 1000.36, F.S.

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

Review of Compact Rule Adoption

Since its enactment in 2008,²⁸ 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.²⁹ 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 Session³⁰ 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.³¹

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.³²

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.³³

III. Effect of Proposed Changes:

SB 400 repeals s. 1000.40, F.S., to remove the scheduled repeal of Florida's Compact under s. 1000.36, F.S., and the Compact's implementing provisions relating to payment of the annual dues assessment, the designation of the Compact Commissioner and Military Family Education

²⁵ Military Interstate Children's Compact Commission, *supra* note 20.

²⁶ 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.

²⁷ Article XII, s. D of the Compact, s. 1000.36, F.S.

²⁸ Chapter 2008-225, Laws of Fla.

²⁹ 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.

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

³¹ *Id.*

³² Article XVI, s. A of the Compact, s. 1000.36, F.S.

³³ *Id.*

Liaison, and the creation of the State Council under ss. 1000.361, 1000.38, and 1000.39, F.S., respectively.

The bill takes effect upon becoming a law.

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.

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.³⁴ The total number of military connected students at the end of the 2023-2024 school year was 40,815.³⁵ Funding in the amount of \$45,187 for the dues was included in the 2024-2025 General Appropriations Act.³⁶

³⁴ Military Interstate Children's Compact Commission, *supra* note 20.

³⁵ 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).

³⁶ *Id.*

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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 1000.40 of the Florida Statutes.

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.