Educational Opportunity for Military Children Commissioner Meeting

October, 27 2008 – Phoenix Arizona

- Rep. Bob Damron made some introductory remarks on behalf of the chair
- Keith A. Scott called roll – all member states were present
  - Moved onto the first agenda session

Interstate Compact on Educational Opportunity For Military Children: Context and Background – Tom Hinton
- Tom showed the video to provide a brief overview of the project.
  - Recognized the contributions of Leslie Arsht to the compacts development
- Col. Andre Curry from Luke AFB to provide personal perspective of how this compact will make a difference in the lives of military children.
  - Serves as mission support commander for the base.
  - Family has lived the issues described in the video and addressed by the compact.

Roll of the Interstate Commission and Compact Commissioners – Mike McCabe
- General purpose of the commission is to implement and enforce the agreement
  - Commission is a governmental entity
    - Joint agency of the joining states
  - Compacts are not unusual and many are governed by commissions
- General authority of the commission is covered in the original compact language
  - Addresses the formation, powers and duties of the commission
    - Final charge provides commission with very broad authority
- The compact says very little about the role of individual commissioners
  - Talks only about the appointment process and role on the State Council
- The commission is the key to making the compact work.
  - Must take ownership of the process.

Commission Administration and Operation Requirements – Rick Masters
- Procedure in this process is important – Using correct legal procedures provides framework moving forward
  - Rep. Damron will be serving as presiding officer for this meeting only
    - As a matter of procedure need to acknowledge Rep. Damron as the presiding officer for this meeting only
    - Passed unanimously by member states
- Next moved into discussion about bylaws
  - Bylaws are in the docket book – need to be adopted within 12 months of first commission meeting
  - Created an interim set of bylaws to govern the process for the first 12 months
    - Designed to provide baseline for functioning over that time.
  - Bylaws do not go beyond the provision of the compact
- Briefly discussed the role of ex-officio members and who the commission would ultimately like to have
Rick Masters suggested this is something the group needs to give some thought to.
Cheryl Walker pointed out there was no mention of the ex-officio members in the information that the commissioners/designee received prior to the meeting.

- Next moved into discussion of election of officers
  - Duties are laid out for each office in the compact
  - There are no term limits for officers
    - Went through each office individually
- The commission may have staff – would be appointed/hired by the executive director
  - Duties of the executive director are very clearly laid out in the bylaws
    - It is anticipated that this would be a full time position
- Article 5 of the bylaws provides immunity to commissioners who are acting on behalf of the states
- Commission meetings are provided for in the compact
  - Commission meetings to occur annually
  - Committee meeting would occur more frequently
    - It is assumed these would occur through conference calls, web-ex, and other means
- Quorum under the proposed bylaws would be majority of member states
  - Presence must be established before votes occur
- One state one vote per state
  - Can delegate votes to an official designee
- Proposed bylaws allow meetings to be conducted using parliamentary procedures
  - If no changes occur commission will defer to Robert’s Rules
- Other committees may be established as the commission sees fit.
- There is a clause in the compact that allows for public participation in all commission meetings
- The commission is limited in terms of the amount of debt they can incur
- Reimbursement for travel expenses is provided for in the compact
- There is a dissolution clause should the compact ever dissolve

At this point the floor is opened to discussion
- The words “his or her designee” was added to the first bylaw to allow designees to represent a member state
  - Also suggested that the name of the designee be forwarded to the compact commissioner in advance.
- Additional change was made to also allow written changes to be made to the compact.
  - Hope is that this will encourage more states to join the compact
  - Add strength to the existing compact
- Rick Masters noted the commission does not want to be too liberal in the delegation of authority from the compact commissioner to an official designee
  - The hope is that eventually the state council will ultimately be able to take on this responsibility if need be
- Motion to adopt the bylaws with two minor amendments included was moved and seconded
  - Passed unanimously
• Rick next moved into a discussion of the election of officers
  o Thought it may be best to defer this until a later meeting
  o Especially a concern with the number of designees in the room

Discussion of State Council Development – Dori Ege and Rick Masters
• Dori provided an overview of a state council, how it functions in Arizona, and how it may be applicable to this particular compact
  o Serves as a rulemaking authority to keep things consistent from one state to the next.
• Every state should create a state council
  o Arizona state structure includes a governor’s rep, legislative rep, judicial rep, and a victim’s advocate.
  o Also appropriate to appoint other members as necessary
    ▪ Those other members really raise awareness.
• State council will also assist with the development of policy
  o In Arizona they have one face to face meeting every year and also use conference calls to meet as necessary
  o There are no term limits in AZ – minimizes turnover and avoids retraining
• The members of the council need to be familiar with the compact and its goals and objectives.
  o Also need to be educated on your state’s compact process
• Dori stressed the need to develop consensus from the council before voting at commission meetings
  o This allows buy in from the entire state
• State council should be dynamic, not static
• Recommends somebody chair the state council to keep everybody on the same page
• One of the real benefits of the council is to institutionalize the compact in a given state
  o Develops an entity that is capable of running the compact day-to-day.
  o Ensures a mechanism is in place to keep the compact moving forward.
• Question was raised by Tom Hinton about the cost of establishing the state council and staging regular meetings.
  o In Arizona the cost of the council is next to nothing

Committee Structure and Function – Mike McCabe
• There is no mention in the compact of when the executive committee will be established
• There is however mention of establishing various committees
  o Financial, rules, compliance, training, education, and public relations committee
• For any number of reasons recommendation is to defer the establishment of these various committees
  o Would recommend the immediate establishment of a rules committee and an interim operations committee to serve the purpose of an executive committee
• Ms. Walker of Colorado raised the question about how new states would be incorporated into the compact and its various committees
  o Rep. Damron noted that they would join as they become members after ratification in their various states.
Also noted that original states have the responsibility to write the initial set of rules.

- Concern Ms. Walker raised was that there are very few member states right now, tasking the various member states with significant responsibility
- Rick Masters did note that several states are seriously considering adopting the compact during the next legislative session.

- Mr. Needham of KY then raised the question about potential state council members being appointed to serve on a given committee.
  - Rick noted that they could serve in an ex-officio capacity, but ultimate voting responsibility would rest with the commissioner
- Motion was made and seconded to adopt the two recommended committees proposed by Mike
  - Motion passed unanimously

- Rep. Damron also suggested the establishment of a traveling committee from the member states to help sell/lobby the compact to non-member states

- **Status of the compact in the member states** – Rick Masters, Dori Ege, and Rep. Damron
  - Arizona is concerned about the cost of the compact and also the loss of sovereignty that might result from it
    - Those issues have been put to rest somewhat and AZ feels pretty good about the direction of the compact
  - Colorado perhaps misinterpreted the purpose of the state council – will begin working on very soon
  - Connecticut has already begun putting together the state council
    - Composition will likely include representative from impacted school districts
    - Also state legislators from those two impacted school districts will attend
    - Along with representatives from the boards of education
  - Delaware has started the process and will continue it following the meeting
  - Kansas already has begun establishing their state council
    - Will include representatives from Ft. Riley and McConnell AFB
    - Also family liaison committee from each Kansas base
      - Already had first meeting
  - Kentucky has already established a list of potential state council members
    - Aiming for first week of December for the first state council meeting meeting
  - Oklahoma has already had first council meeting
    - Includes Rep. Coody who introduced the legislation and several others
    - Oklahoma’s major concern at this point focused around funding
  - Michigan still has not fully appointed state council
Will be meeting next week with appointed commissioner and several other key players to discuss potential state council members

- Michigan like many other states, has concerns over funding issues
  - Missouri has been somewhat slow in developing state council because of political reasons.
  - State council members likely won’t be taken care of until new governor takes office.
  - North Carolina will likely have a substantial military involvement in their state council
    - May not ultimately make appointments until the new administration takes office
    - Have been dealing with the issue in North Carolina for several years.
  - Rick pointed out that next year it would be beneficial to include state council members in the commissioner meeting

Adoption of Rules; Amendment – Rick Masters

- Have to be careful not to get too caught up in the rulemaking process early on
  - May be better to consider rules every other year
- Rick’s recommendation is to consider the proposed rule on rules to provide a starting baseline
  - Dori Ege encouraged the group to adopt the rule on rules.
  - Group is still going to have details to hammer out as they move forward, but this should make it a little easier
- Motion to adopt was made by Mr. Neuenswander of Kansas and seconded by Mark Needham of Kentucky
  - Motion passed unanimously

Future Election of Officers -- Rick Masters

- Recommendation of Rick is to defer the election of officers until the next meeting
- Group did propose having some discussion about it and ultimately decided to nominate Cheryl Walker of Colorado to take the position of chair
  - Joey Strickland of AZ made the motion and Mark Needham of KY seconded
  - Motion passed unanimously
- Joey Strickland was then nominated for Vice Chair by Cheryl Walker of CO and Spessard Boatright seconded
  - This was also passed unanimously.
- Brad Neuenswander from Kansas was nominated as treasurer
  - Tom Bell from MI moved and Mark Needham from KY seconded
- Question was then raised if somebody could be added to the committee
  - May decide in the future to include regional reps – other compacts have taken this approach
Commission Administration and Operation – John Mountjoy and Rick Masters

- John drew group’s attention to budget, fiscal note, and partnering with CSG
- Of special interest to the group is how the commission is going to begin to support itself once DOD funding runs out as of October 1 next year
  - Member states have legitimate concerns about how much this compact is going to cost – several of them were already raised
    - The fiscal note provided at least a rough estimate
    - Rough number based on the figure of one dollar per child
      - That means certain states with larger populations are going to pay considerably more
  - There isn’t a need for a data system and likely an IT staff
- John next moved into discussion about projected budget
  - Explained the assumptions he made in reaching the proposed budget
    - Does believe the model is sufficient to get the office up and running
- Somewhere along the way the costs of the commission are going to be the states sole responsibility
  - Federal Government wants to remove themselves from funding all together – part of the selling point was that this was a state driven process
- States expressed concern that budgets for this year are already created
  - Assumption is that states would begin to pay their assessments in about 7 months
  - Question was raised by Mr. Neuenswander of Kansas about the current fee structure
  - Would it be better to maybe have a flat fee?
  - Rep. Damron thought that a dollar per child was a better system
    - Part of the selling point was a dollar per child
    - In Delaware for example the compact was sold on a dollar per child – may risk their membership down the road if it is altered now
- Cheryl Walker asked when the commission would begin hiring staff
  - John suggested the person be brought on board well in advance of the second commission meeting
- Mr. Boatright of Florida motioned to accept the dollar per child
  - Mark Needham seconded the motion
  - Also recommended using DOD’s numbers for active duty military in the future
    - This combined motion was voted on and passed unanimously
- Next Rep. Damron moved onto a discussion about ratifying the proposed budget
  - John pointed out the commission can only spend what it collects
• Mr. Boatright of FL suggested using June 30 of the *preceding year* to establish numbers per state
  o Brad Neuenswander from Kansas seconded the motion
    ▪ Jean Silvernail did point out that the most accurate data actually comes out in the fall – corresponds to the beginning of the new school year
  o Group decided to vote on motion proposed – passed unanimously
• Next discussion focused around ratifying budget
  o Question was raised about how staff salaries would be paid for without knowing how many member states will have joined
• Compact is active right now and as such the member states should be doing their best to follow it even though some questions remain unanswered
  o Ultimate goal is to make the compact self-sufficient – CSG will remain actively involved in the compact until this happens
• Question was raised by Rep. Damron if it was even necessary to adopt a budget at this meeting
• Motion was made by Brad Neuenswander to adopt the proposed budget to use as a start point knowing that if the assumptions made prove false they can’t spend the money anyway
  o This would be the July 09 through June 2010 budget – FY10 budget
    ▪ Cheryl Walker seconded the motion
• Dr. Lease raised the question about what specifically she would be asking for – motion pertained to active duty only
  o Ultimately vote passes unanimously
• Group established that there must be a date specified to ensure the money is in during the proper fiscal year
  o Mike McCabe proposed invoices for dues would be mailed out to member states the preceding June with a due date of July 1 knowing that there would be some lag time in states
    ▪ Would be directed to the state agency that houses the compact
  o Mr. Neuenswander moved the motion and it was seconded by Mr. Boatright – passed unanimously
• Final item from John deals with housing of the commission
  o Three viable options
    ▪ Commission live on its own – hires ED, staff, HR, IT and finds office space
      • Makes the organization totally self sufficient
      • Problem is this may prove cost prohibitive
    ▪ Second option is to go with an association management firm
      • Allows economies of scale to occur
• Third option is to house the commission at CSG
  • CSG has a long history of helping states craft multi state agreements
  • CSG is fully prepared to explore housing options for the organization
  • Benefits from existing IT, HR, and meeting planning resources
• Ultimate goal is to make a decision a year from now
• Cheryl Walker raised a question about who should provide legal counsel should the commission need it
  o Rick Masters, Keith Scott, Mike McCabe, and CSG Legal Counsel all have the capacity to address these issues/concerns

Public Comment Section
• Senator Sakomoto – HI – Education committee chair in state Senate
  o Senator Sakomoto expressed the State Dept. of Education concerns’
    • They are specifically concerned about three primary issues
      • Immunizations – in HI people can enroll with hand carried records, but they need proof of a negative TB test before the student can actually attend
        o That is not addressed in the language
      • Second pertained to excused absences because of deployments
      • The third issue dealt with graduation – HI does not have an exit exam like so many other states
    • Hope is that concerns are acknowledged so that HI can ultimately join the compact
• Ray Zikelbach from IA attended at the request of the Speaker of the House
  o Currently sees a place for IA in the compact
  o Does have some concerns about how to address graduation requirements specific to IA
• Dale Bertsch from SD governor’s office
  o SD has only one base – Elsworth Air Force base
  o Governor began considering the issue several years ago – even before the compact
• Joyce Raezer from the National Military Family Association
  o Glad to see the education of military children becoming a priority for states
    • Suggested that states also draw in members from rural areas that are not as heavily impacted by military children – they still have issues that need to be addressed
    • Stated that NMFA is always available to be a resource for the member states and non-member states
• Katherine from National School Boards Association
  o Simply here to learn about what is going on
    ▪ They do not oppose the compact
    ▪ Want to continue to be involved in the process so they can keep their members better informed
  o Do have some concerns about enforcement and compliance.
• Jean Mann from School Choice International
  o Private organization that ensures deployments for executives are successful
  o Many of the concerns the military has are shared by the private community as well
• Susan Johnson with the ARMY
  o Army leadership won’t keep an all volunteer force without knowing their people are well taken care of
    ▪ Part of that process is to ensure students are receiving the best education possible
    ▪ This compact begins to address these issues at a state level, which is where it belongs.
    • Army leadership is thrilled with the progress of the compact
• Rep. Mark Takai – HI
  o Has a hard copy of the HI response and a matrix of their concerns
  o Rep Takai thinks there are some opportunities to work around the issues HI has
    ▪ Rick Masters noted the compact is structured to provide member states some discretion
  o 77 legislators also serve as guardsmen
    ▪ Potential resource that has perhaps been underutilized – would be happy to share that with the commission and CSG.

**Day 2 Minutes – 10/29/2008**

**Meeting Summary and Next Steps – Keith A. Scott**
• Adopted Interim commission bylaws
• Elected Officers
• Made State Council Development Progress
• Formed Committees
  o Interim Operations Committee
    ▪ Cheryl Walker – CO
    ▪ Mark Needham – KY
    ▪ Brad Neuenswander – KS
    ▪ Joey Strickland – AZ
Spessard Boatright – FL
- Rules Committee
  - Susan Haberstroch – DE
  - Cheryl Walker – CO
  - Joey Strickland – AZ
  - Oklahoma Commissioner of Designee
  - Spessard Boatright – FL
  - Tom Bell or Michigan Commissioner – MI
  - David Phillips – NC
  - Bert Schulte -- MO
- Adopted Rules Structure
- Adopted State Assessment based on $1/per child
- Ratified Budget Plan

What is next
- Develop commission website
- Development of rules and regulations
- Hiring of commission staff and interim support staff
- Development of commission budget
- Invoicing to the states for dues approved by the commission
- Development of information clearinghouse regarding the compact
- Planning and coordination for the meetings of the commission, both full national commission meetings and committee meetings
  - CSG Annual Meeting is November 12-15 in Palm Springs, CA
  - Group decided to both house themselves at CSG and host next year’s annual meeting in conjunction with CSG’s annual meeting in Palm Springs
- Quarterly Conference Calls for updates/discussion
  - CSG will host/facilitate

Rules Committee Discussion – Led by Rick Masters
- Send a signal to everyone not yet a member to join us
  - Need to create a situation that is conducive and fair for non member states
    - Perhaps need to be even more deliberate than normal
- Rick suggested first determining how often the committee wants to meet
  - At least one meeting probably needs to be face-to-face
  - In addition to several teleconferences to update work status
- First discussion may be what areas the group wants to address through rules
  - What areas need clarification
State Council is probably a good resource for identifying problems

- Cheryl Walker raised the question if we don’t begin resolving potential problems will it encourage more or less non-member states to jump in
- Also asked how to resolve potential issues for parents/students in the first year without the existence of an executive director and staff
  - Family liaison person may be the appropriate person to work through in each of the 11 member states
    - They should be well versed in the rules and regulations of the compact
  - May be appropriate to include this person in the State Council
    - May be a non-voting member, but insight would be beneficial
- There are some areas such as compliance and enforcement that other compacts have dealt with – may want to reference those when addressing particular rules
- Joey Strickland raised the issue of athletic waivers as a major concern for transferring students
  - Every state has a high school athletic association, which the compact does not address – they are independent bodies
- Often what may happen is the group will realize they don’t need a rule – simply opening a dialogue about a particular topic would be beneficial
- Utilize CSG as a resource to update the progress of the commission as a resource for non-member states
  - Provides an opportunity for non-member states to make suggestions/recommendations
- It would also appear we need to develop some mechanism of enforcement to give the compact teeth
  - For instance need a rule on mediation
    - First option should probably center on training/education
- Cheryl Walker pointed out that it is important states figure out what the rules are immediately
  - Actually may be a selling point for non-member states to become engaged in the process earlier
    - May want to illustrate where the process stands and where it is going as a way of encouraging non-member states to engage the process
- Bert Schulte pointed out there is an opportunity in caution
  - There is a real sympathy for military families right now
  - Don’t want to come across as being too heavy handed – may be a turn off to state legislatures around the country
    - Great opportunity for arrival at best practices without having to be too strict on rules immediately
- Spessard Boatright suggested the best place to begin may be to determine what issues individual state councils are dealing with and how rules might address those concerns
Maybe the best approach is to begin the process through a “survey”
May find overlap between member states

- There are certain issues that are going to need to be clarified over time
  - Probably need to be more broad to allow individual state nuances to be taken into account
  - Ultimate question is how to make the transition as smooth as possible
- Compact is not intended to displace existing state laws
  - Intent is to harmonize the compact with existing state laws whenever possible
    - May need to be rulemaking to address these specific issues
- Real goal of the compact is to ask each school district to make a reasonable effort to accommodate students
  - Allows each school district some amount of discretion
    - This concept may need to be written into the rules process
- Largest time lag is probably between this session and the next rules meeting
  - Allow states to establish their state council and then determine what problems exists and how they should be resolved – this is going to be where the details really get hammered out
- Specific goals between now and the next meeting
  - Organize state council
  - Begin to determine what problems exist in each of the four issue areas of the compact
    - Need to ask each of the following questions
      - What are the existing practices in each of these areas
      - Where are there inconsistencies in complying with these practices
        - May even need to break it down all the way to the district level – may vary from place to place
      - In what areas of the compact is a need for clarification followed by suggestions
        - Hope to get something formatted that the entire group could use for consistency
- David Phillips was nominated chair of the committee
  - Changed proposed January meeting date to the middle of February – thought that would provide the group more time to consider issues
    - Decided on Thursday February 12
      - Group would like each member state to send issues in advance of the meeting to allow for review
- One of the benefits of doing things through rules is that they can be revisited and changed if they are not working correctly