



MILITARY MOVES

New Compact Aims to Ease Education Challenges Faced by Military Children After Parent's Transfer

The U.S. Department of Defense and The Council of State Governments, along with educators and education groups, have developed the Interstate Compact on Educational Opportunity for Military Children, which is designed to ease the trauma when children are uprooted from school as parents are transferred from base to base and state to state. Ten states must approve the agreement before it takes effect.

By Mary Branham Dusenberry

Katie Morgan was in trouble.

Her grades were not what her mother Faith was used to seeing. And after Katie, 10, would breeze through her class work, she would try to help other students understand a concept and she'd get in trouble in class. The problem: Katie was not put in an advanced enough classroom where she could be challenged because the Florida school didn't receive her records from New Mexico in a timely manner.

Bianca Phillips, 19, faced a challenge similar to Katie's. When her family moved from a U.S. Air Force base in Japan, Bianca's mother Vivia hand-carried her school records to Alaska. School officials wouldn't accept those records. The family worked through that challenge, but after three years, Bianca's father received a transfer notification months before Bianca was scheduled to graduate.

For Grace Worley, 16, the problem was that she needed a little extra help to reach her potential. She qualified for the Individualized Education Program—which addresses specific needs of students—in Virginia. But when the family was transferred to California, school officials deemed Grace was performing beyond expectations. Lori Worley was told her daughter would no longer get the help from the plan set forth in Virginia.

Their experiences are not unique. In fact, said Joyce Raezer, they're fairly typical.

"They happen over and over again," said Raezer, chief operating officer of the National Military Family Association. "Think about those stories and multiply that by 100,000 or 200,000."

Addressing the problem

The Interstate Compact on Educational Opportunity for Military Children addresses those types of problems military families face in transitioning children into new schools. The special agreement among states requires approval in 10 states before it will take effect.

The compact specifically addresses such things as kindergarten and first grade start age; immunization requirements; placement in courses ranging from gifted and talented programs, Advanced Place-

ment and honors courses to assistance for special needs; and requirements for high school graduation.

"While many states and communities have responded on an ad hoc basis to ease the shift of military children, no comprehensive policy approach exists to improve the long-term educational transition and outcomes of this constituency. That's what this compact will do. It'll bring consistency and those families need consistency," said Charles Patterson, director of transition studies with the Nebraska-based Military Impacted Schools Association. Patterson is also the former superintendent for the school district in Killeen, Texas, home of Fort Hood.

The Council of State Governments' National Center for Interstate Compacts worked with the U.S. Department of Defense, educators and education groups, and organizations that work with military families to draft the compact. Legislators and officials from states with large military populations were briefed on the compact at a meeting in December. While several in attendance said their states already work to accommodate incoming military students, they voiced support for the compact.

"I think it is absolutely necessary so our military children are not discriminated against, and I feel they are discriminated against," said Rep. Marsha Looper of Colorado, home to more than 30,000 students from military families. "We should hold them in high esteem for the sacrifices their families make for our freedoms."

The Need for the Compact

Many of the challenges students face when changing schools are emotional and psychological. The compact addresses academic and procedural issues, which can add to that trauma, according to Thomas Hinton, senior state liaison with the Office of the Deputy Undersecretary of Defense.

"It's not so much the emotion, but it adds to the emotion," Hinton said.

The Department of Defense had worked for several years with school districts that serve large populations of military children to ensure transition issues were mini-

mized. But, it wasn't enough. Officials thought the process could be improved and began to explore the option of an interstate compact, Hinton said.

"If there ever truly was an interstate component, this was one of those issues," he said. "It matters what happens in the state. It also matters when (students in military families) leave the state."

Addressing the problem, he said, could be done in one of two ways: through an interstate compact or through Congressional action. Defense department officials believed the issue should be handled within the principles of federalism, Hinton said, and chose the compact route.

An interstate compact is essentially a contract between participating states, according to Rick Masters, special counsel to CSG.

"Its principle advantage is that it provides states with an effective means and an enforceable means of addressing problems that transcend the borders of your state, even though your laws may differ, without relinquishing authority to the feds," Masters said.

Compacts are often used for issues in which states have traditionally exercised control and sovereignty, according to Masters. Education is one such issue.

"Our organization often reminds folks that kids serve too," said Raezer, from the National Military Family Association. "And we as a nation, I believe, have an obligation to our nation's children, to support them and enable them to enjoy a level playing field when it comes to educational opportunities. That, to me, is what this compact does."

According to William Harrison, a member of the Military Child Education Coalition's board of directors, the typical military child moves six to nine times between kindergarten and high school graduation. As superintendent of Cumberland County, N.C. Schools, which serves Fort Bragg, Harrison is well aware of the tolls those moves can have on children.

Different states have different educational requirements, and Harrison said that's a good thing. "What's best for the state of

Washington is not necessarily what's best for the state of North Carolina," he said. "The challenge that we have is within the context of individual requirements, how do we ensure that a child transferring from one place to another is not penalized? How do we ensure our military kids don't suffer because their parents chose to serve our great country?"

Harrison's school system was one of 302 that signed a memorandum of agreement in 2001 to deal with issues such as records transfers, access to extracurricular activities and graduation requirements.

"We think the compact, which has many of the same principles of our MOA, is much more powerful and can create a much higher level of assurance that what we're signing is actually being carried out," he said.

Leslye Arsht, U.S. deputy undersecretary of defense, said the compact has the potential to ease "the moving and academic pain that literally thousands of military children endure each and every year.

"There is nothing we can do that is more important to military families than to commit ourselves to preparing our children for their futures," she said.

The issue is so important, according to Rear Admiral L.R. Hering Sr., commander of the Navy Region Southwest in San Diego, that it could impact national security.

"Retention in the United States military is not made on the deck plates of ships, or in the seats of our tanks or in the cockpits of planes," he said. "It's made at the kitchen table. If you don't have the support of your spouse and your family that's affected by your choice of service ... those individuals will separate from the United States military and the all-volunteer will become the draft in a time of war."

He urged state officials attending CSG's December legislative briefing to begin the process of making the compact a reality.

The Process

The education compact for military children has been in the works for 18 months. An advisory group comprised of school superintendents from military communities, education associations, state legislators and executive branch state officials, as well as



About Compacts

- Compacts are rooted in Colonial history, and were used historically to resolve state boundary issues.
- Compacts are contracts between two or more states, and can be enacted on a regional or national level.
- The U.S. Constitution authorizes states to enact compacts in areas where states have traditionally exercised control and sovereignty. Compacts are protected under the Compact Clause of Article I of the Constitution.
- Congressional consent is required only if a compact encroaches upon the authority of the federal government.
- Congress has no standing to invalidate a compact for which consent is not required.
- There are approximately 200 compacts in effect across the United States; 38 of those compacts are inactive or dormant.
- Every state, on average, has adopted between 23 and 27 compacts.
- The Port Authority of New York and New Jersey, created in 1921, was the first compact to create a regulatory style mechanism.
- Types of compacts can be very broadly divided into three general categories:
 - Those that settle boundary disputes.
 - Those that are merely advisory—akin to administrative agreements between states.
 - Administrative compacts which create ongoing administrative agencies with a variety of subjects they seek to control, such as state transportation, environmental matters, public safety, education and corrections.
- Compact disputes can be, but are not required to be, brought before the U.S. Supreme Court as an original action.

Source: Rick Masters, special counsel for The Council of State Governments



CSG and Department of Defense staff, tried to address broadly the challenges of military moves in proposing the compact, the Department of Defense's Hinton said.

Now, legislators in states with large military populations are working to pass legislation enacting the compact. An estimated 15 to 20 states are home to the majority of families impacted by the compact, according to Keith Scott, director of CSG's National Center for Interstate Compacts. And Masters said the majority of U.S. military operations are in 10 states. For those reasons, the advisory group decided the compact needed approval in 10 states before it takes effect.

The first state to enact the compact will become the offering jurisdiction, which, in effect, means that state would be asking other states to join. The language in the compact requires others states to accept that offer by adopting nearly identical language, according to Masters.

"Once enacted," Masters said, "a compact takes precedence over conflicting statutes of the state."

States, he said, would not be free to contradict the contractual agreement. But that doesn't mean they lose total control.

"The only thing you're giving up is the right to act unilaterally," said Masters. States will still have "collective sovereignty" in the compact, he said.

Once 10 states approve the compact legislation, stakeholders will form an interstate commission, according to Scott. States would also need to form state councils and to designate a state liaison between the state and the interstate commission.

The interstate commission would be a joint agency of the member states and would help resolve disputes among member states, as well as make rules to achieve the purposes of the compact and issue advisory opinions concerning the meaning of the interstate compact rules and actions. The commission would also hire an executive director to handle administrative duties related to the compact.

Ideally, stakeholders would like to see the compact in place as soon as

possible, but Scott predicts it could be the 2009 school year before the compact has any real impact.

"The goal is to accomplish as much of this as we can in 2008," Scott said.

He said several legislators have become champions for the compact and are making strides in gaining support in their states.

Looper, of Colorado, is particularly interested in the compact. Fort Carson, which is part of her district, is expecting an influx of students with a new brigade and military base realignment. While the school system already works to ease the transition of students, Looper believes the compact will improve communication between sending districts and receiving ones.

"This should help those children in transitioning to Colorado schools," she said.

Rep. Ann Coody, whose Oklahoma district includes Fort Sill, has also been actively pushing the compact. As a former educator, Coody saw firsthand the challenges military children face when entering a new school.

Like other school systems with military students, the district that serves Fort Sill makes accommodations for incoming students. "I think it will be wonderful to have a compact that will enable the students that leave us to be accommodated," said Coody.

The compact doesn't come without costs, though. Once the interstate commission is operational, participating states would pay \$1 per student covered under the agreement to fund the estimated \$630,389 budget, according to the draft of the compact. The budget includes funding for staff salaries, commission and committee meetings, rent and utilities for commission offices, and indirect costs such as accounting and human resources services.

The Human Factor

Families of children who have been affected by military transfers say the compact is well worth the cost.

"It's going to be a challenging task to figure out a way to do that and put the procedures in place to make it work, but I think it's worthwhile to try to do that," said Faith Morgan, Katie's mother.



Interstate Compact on Educational Opportunity for Military Children

The advisory committee that drafted the Interstate Compact on Educational Opportunity for Military Children tried to strike a balance in the plan, according to Rick Masters, special counsel for The Council of State Governments.

“They were trying to find the lowest common denominator that will satisfy most states, but yet specific enough to deal with the problem,” he said.

Among the provisions of the compact proposal:

- Schools can use hand-carried education records to enroll and appropriately place students pending validation by official records—those sent from the sending school district to the receiving one.
- A sending school district will have 10 days after it receives such a request to process and furnish official records to the receiving school.
- States in the compact will give 30 days from the date of enrollment for students to obtain any immunizations required by the receiving state.
- Students will be allowed to continue their enrollment at grade level in the receiving state at the same grade level regardless of age.
- Students should be placed in educational courses—including Advanced Placement, honors, vocational and technical—and in educational programs, such as gifted and talented, based on their enrollment in the sending state and/or educational assessments conducted in the sending state, if the courses are offered. However, the receiving state can still conduct its own evaluation.

- Likewise, students should receive the same special education services they received in the sending state
- Local schools can waive course/program prerequisites for placement in courses/programs.
- Students should be granted additional excused absences for missed school related to the deployment activities of their parents. However, the compact allows the receiving state to determine how many additional excused absences should be granted.
- Local schools should waive specific courses—such as a state history class—required for graduation if similar course work has been satisfactorily completed in another state.
- States should accept exit or end-of-course exams required for graduation from the sending state; national norm-referenced achievement tests; or alternate testing in lieu of testing requirements in the receiving state.
- Students who transfer during the senior year of high school and who become ineligible to graduate from the receiving district should be able to receive a diploma from the sending district if the student meets graduation requirements of that district. The compact encourages both school districts to work together to achieve this result. If one jurisdiction is not a member of the compact, the member state will work with the non-member state to achieve this result.

Her story in Florida turned out well: Katie was eventually moved to the advanced class in November after school officials received her records, and her grades are now back to what she’s been accustomed. But Faith knows this probably isn’t the end of Katie’s educational transitions. If, as the family expects, Faith’s husband is transferred again before Katie graduates high school, she’ll go through another transition.

“With any luck,” Faith Morgan said, “by that time, there’ll be something in place to ease that transition.”

As for Bianca Phillips, her father Junior requested, and received, an extension to avoid the move until after Bianca graduated high school. Now she’s happy to be

attending college in Colorado, knowing that her educational transitions because of military reassignments are behind her.

But Grace Worley continues to face challenges. After moving back to Virginia, she’s facing exit exams on information she didn’t learn in the other states that she’s called home. And the high school sophomore is facing summers filled with classes just so she can meet Virginia requirements and graduate on time.

“A lot of the crises our kids face are in the individual state requirements that it must be done (that state’s) way,” said Lori Worley. The compact could resolve that problem, she said.

In an essay for English class last fall, when Grace voiced her opinion on exit

exams—one point addressed by the compact—perhaps she voiced the issue best.

“We should not make it harder than it already is for military kids,” she said. “Military kids should not have to face exit exams on top of the trauma of having to leave friends and go to a new place.”

—Mary Branham Dusenberry is managing editor for *State News* magazine.

Photo Captions: Page 21: Bianca Phillips, left, Katie Morgan and Grace Worley have all faced transition challenges in school when their fathers were transferred to another military installation. Page 22: Bianca and Vivia Phillips, top photo, Faith and Katie Morgan, middle, and Lori and Grace Worley all spoke about the challenges they faced following transfers during a December legislative briefing on the proposed Interstate Compact on Educational Opportunity for Military Children.