

## 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
  - Thought it may be best to defer this until a later meeting
  - 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
  - Serves as a rulemaking authority to keep things consistent from one state to the next.
- Every state should create a state council
  - Arizona state structure includes a governor’s rep, legislative rep, judicial rep, and a victim’s advocate.
  - Also appropriate to appoint other members as necessary
    - Those other members really raise awareness.
- State council will also assist with the development of policy
  - In Arizona they have one face to face meeting every year and also use conference calls to meet as necessary
  - 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.
  - 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
  - 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
  - Develops an entity that is capable of running the compact day-to-day.
  - 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.
  - 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
  - Financial, rules, compliance, training, education, and public relations committee
- For any number of reasons recommendation is to defer the establishment of these various committees
  - 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
  - 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
  - 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
  - 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
  - Group decided to vote on motion proposed – passed unanimously
- Next discussion focused around ratifying budget
  - 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
  - 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
  - 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
  - Ultimately vote passes unanimously
- Group established that there must be a date specified to ensure the money is in during the proper fiscal year
  - 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
  - Mr. Neuenswander moved the motion and it was seconded by Mr. Boatright – passed unanimously
- Final item from John deals with housing of the commission
  - 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
  - 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
  - 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
        - 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
  - Currently sees a place for IA in the compact
  - Does have some concerns about how to address graduation requirements specific to IA
- Dale Bertsch from SD governor’s office
  - SD has only one base – Elsworth Air Force base
  - Governor began considering the issue several years ago – even before the compact
- Joyce Raezer from the National Military Family Association
  - 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
  - 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
      - Do have some concerns about enforcement and compliance.
- Jean Mann from School Choice International
  - Private organization that ensures deployments for executives are successful
  - Many of the concerns the military has are shared by the private community as well
- Susan Johnson with the ARMY
  - 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
  - Has a hard copy of the HI response and a matrix of their concerns
  - 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
  - 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
  - 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