

**INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY
CHILDREN HAWAII STATE COUNCIL
GENERAL BUSINESS MEETING**

Brig Gen (Ret) Kathleen Berg, Hawaii State Commissioner

Via WebEx Meeting

Tuesday, May 11, 2021

11:00am – 12:30pm

MINUTES

Attendance:

Council Members Present:

- CSM Michael Oliver for Col Daniel Misigoy, U.S. Army Garrison-Hawaii (USAG-HI)
- Col Angenene Roberston, J1, U.S. Indo-Pacific Command (USINDOPACOM)
- Brig Gen (Ret) Kathleen Berg, State Commissioner, Hawaii State Council, MIC3
- CDR Matt ten Berge, Resources Division Officer, U.S. Coast Guard (US CG) 14th District
- CAS Robert Davis, Complex Area Superintendent, Central: Leilehua-Mililani-Waialua, HIDOE
- CAS John Erickson, Complex Area Superintendent, Central: Aiea-Moanalua-Radford, HIDOE; also representing Dr. Christina Kishimoto, Superintendent, HIDOE
- CAS Lanelle Hibbs, Complex Area Superintendent, Kailua-Kalaheo, HIDOE
- Ms. Wendy Nakasone-Kalani, School Liaison Officer, Hawaii Education Liaison Officers Council (HELOC)
- CAS Sean Tajima, Complex Area Superintendent, Leeward: Campbell-Kapolei, HIDOE
- Mr. Raymond Fujino, Executive Director, Oahu Interscholastic Association
- Ms. Maggie Williams, Military Family Education Liaison
- Ms. Cherry Okahara, Military Liaison, HIDOE

Unable to Attend:

- CAPT Darren Guenther, Chief of Staff, Navy Region Hawaii
- Col Tammie Harris, Commander, Hickam Air Force Base, 647th Airbase Group/Deputy Joint Base Commander
- Col Speros Koumparakis, Marine Corps Base Hawaii (MCBH)
- Governor David Ige
- Senator Michelle Kidani, Hawaii State Legislature
- Representative Justin Woodson, Hawaii State Legislature

1. Call to Order: 11:06 a.m.

2. Welcome/Farewell:

Commissioner Berg welcomed the Council members and all attendees. She apologized for the technical difficulties encountered at this first virtual meeting for the Hawaii State Council.

Commissioner Berg gave a warm welcome to Col Angenene Robertson, J1 of USINDPACOM and CSM Michael Oliver of USAG-HI who was representing Col Daniel Misigoy.

The Council also bid farewell to Ms. Maggie Williams who served as the Military Family Education Liaison from 2019. Ms. Williams and her family were scheduled to leave Hawaii at the end of June. In her remarks, Ms. Williams thanked the Council for the opportunity to serve as MFEL. Commissioner Berg expressed the Council's appreciation for her service and bid her and family best wishes as they transition to Washington State.

3. Approval of the Previous Meeting Minutes: The minutes from the January 15, 2020 meeting were approved as corrected.

4. National Commission Activity and Annual Business Meeting Report:

Commissioner Berg provided a handout summarizing issues MIC3 had encountered and highlights of the 2020 ABM.

She had received an email from CAS Erickson about inquiries from parents asking to keep their children enrolled in distance learning programs here in Hawaii for the remainder of the school year even though the family was moving to another state.

Commissioner Berg called MIC3 Executive Director Cherise Imai at the National office and found that other states had inquiries about continuing distance learning as well. ED Imai noted that it is not required by the Compact, but schools across the nation were making remarkable accommodations for military families when they could. Kansas and Rhode Island, in particular, were very early on allowing children enrolled in their state schools to stay enrolled through distance learning when the family had moved because of reassignment. The situations were handled on a case-by-case basis, generally with the following conditions:

- Most allowed the child to finish the quarter/semester only, then enroll in the new school
- Family provided equipment/connectivity; school equipment had to be returned
- Student had to attend classes on the schedule in the time zone of the school

Executive Director Imai also shared that there were other factors that the schools making accommodations considered:

- What the School Liaison Officer working with the parents could tell the sending school about what the receiving school was doing in similar cases
- Length of time the student would need to finish the term/year
- Grade the student was in (particularly if seniors were trying to graduate)
- Legalities for special education services

Commissioner Berg also reported on the *MIC3 Townhall: The Pandemic and its Impact on Schools* presented in January 2021 that touched upon these and other issues. She noted that the slides and video of the townhall were available on the Web at the links provided in the handout.

Commissioner Berg's report on the 2020 Annual Business Meeting (ABM), held virtually on October 1 and 2, and the follow-up task for State Councils included the following:

- Links to the ABM press release, presentations, and reports
- Highlight was the National Guard and Reserve Coverage Task Force (NGTRF) report [available at https://mic3.net/wp-content/uploads/2020/10/2a-NGTRF-Slides_Updated-20201006_notes.pdf]
- State Commissioner guidance on developing a state position on the National Guard and Reserve [available at https://mic3.net/wp-content/uploads/2021/03/Commissioner-Guidance_20210121_FINAL.pdf]

Finally, Council members were reminded that they can get the latest updated version of the MIC3 produced *State Department of Education/Public Instruction COVID-19 Information and Guidance on School Closures and Reopenings* on MIC3's homepage. It is the first link on the MIC3 webpage

5. Old Business

a. Update: Training/Meeting Report: HIDOE Military Liaison Cherry Okahara reported that she did have some meetings with principals and senior military officials in September and October 2020 and would update the list.

b. Update: Hawaii Case Matrix: Ms. Okahara also noted that she would update the Case Matrix with Kahala Elementary who reached out regarding allowing a Kindergarten student to stay enrolled in online learning. The student was in good standing and the school wanted to accommodate the child. Commissioner Berg noted that she really appreciated the schools that stepped forward and acted in the spirit of the Compact.

c. Update: State Compact Dues: Ms. Okahara reported that Hawaii was up to date for Fiscal Year 2021 and that she received the invoice for the upcoming fiscal year, which was for \$20,609. She noted that she would request for payment as soon as she could.

d. State Council Representative for National Guard and Reserve:

Commissioner Berg reported that this has been an agenda item the past two Council meetings and, particularly in light of the task force report, it will be something the Council will want to do. However, what form it will take will need to be discussed with the Guard and Reserve units as well and may depend on the actions that are taken as a result of the report. Commissioner Berg then reviewed the three tables (handouts) showing numbers of sponsors and school-age children plus dues by state: (1) Number of Active Duty Sponsors and Children Ages 5-18 by State and Service; (2) Number of Guard/Reserve Sponsors and Children Ages 5-18 by State and Service/Component; and (3) Active Duty + National Guard and Reserve. In the first table for Active Duty, Hawaii is #10 on the list, and the largest service in Hawaii is the Army. The Compact also covers the children of the uniformed members of the Public Health Services and NOAA. In Hawaii we have 27 uniformed members in the Public Health Services and 16 for NOAA. Commissioner Berg noted that the second table is one that we will be looking at quite carefully as we decide on what Hawaii wants to do in regard of the question of expanding the coverage of the Compact to the Guard and Reserves. Looking at the table, Commissioner Berg noted that Hawaii was #33 on this list. She noted that we have comparatively fewer Guard and Reserves folks living in Hawaii than many other states do. Commissioner Berg also noted that, interestingly, Texas, California, Florida, Virginia and Georgia are in the top of both active duty and Guard/Reserve lists. She mentioned that the last table was a combination of both active duty and Guard/Reserve. She noted that the total number of sponsors is 55,722 and the total number of children is 23,222, and if we cover them, it wouldn't be much of an addition especially because those children do not move regularly like the active duty children. She also noted that it will take us a little longer to finish up this old business item because we'll need to see what our state wants to do in terms of expanding Compact coverage to those families.

6. New Business

a. National Guard and Reserve Task Force (NGRTF) Findings and Recommendations: Commissioner Berg gave a review of the task force report and quickly presented twenty plus slides from the presentation to the Commission. She encouraged the Council members to download the report from the MIC3 website. Commissioner Berg provided the following summary:

- In Spring 2019, the NGRTF was created by the MIC3 Executive Committee, and this seven-member task force met from June 2019 through September of 2020. Then on October 2, 2020 Commissioner Berg presented the final report and recommendation to the Commission.
- The mission the NGRTF was charged with was to collect and analyze relevant data to recommend whether MIC3 protections for military-connected students already in place for the children of the reserve component service members in Title 10

status should be expanded to cover children of members in other status situations, as well.

- In her briefing, Commissioner Berg shared the recommendation of the National Guard and Reserve Coverage Task Force (NGRTF); the history of the Compact and the rationale for including only active duty members; the growing use of the National Guard and Reserve, and its change from a force of last resort to an integrated part of the nation’s military services so their operational tempo and scope of duty have grown to be much more like active duty than ever before; a description of the structure of the total military force, so that the task force could determine the correct terminology to use to describe exactly the group to whom coverage should be extended (the Selected Reserve); the data the task force received on the state-to-state moves for the Army and Air National Guard, allowing us to get a current look at needs (how many kids moved); and the rationale for extending coverage based on issues of choice and fairness [All members of the U.S. military, both AD and NG&R, enlist with a specific obligation to lay down their lives when so ordered (No Choice), which is a clear distinction from other Americans and warrants expanding the legal protection of the Compact currently in force for AD military to NG&R so ALL military families are covered (To be Fair).] This should include all National Guard and Reserve members (the Selected Reserve) including those that are full-time support and traditional members. Commissioner Berg wrote in the report, “All members of the U.S. Military, both Active Duty and Selected Reserve enlist with the very specific obligation to lay down their lives when so ordered, which is a clear distinction from other U.S. citizens. And members of the Selected Reserve—the Army National Guard, Army Reserve, Air National Guard, Air Force Reserve, Navy Reserve, Marine Corps Reserve, and Coast Guard Reserve—can be involuntarily ordered to duty under federal law.” Then finally Commissioner Berg addressed how the applicability can be changed.
- Commissioner Berg briefed the NGRTF recommendation:
 - That the MIC3 support expansion of the Compact coverage to all members of the Selected Reserve—including Traditional, Active/Guard Reserve, and Military Technician (Dual Status) members—for moves related to changes in duty station and for deployments in any active duty status—including Title 10, Title 32, and State Active Duty (SAD).
 - And furthermore, that determining what form MIC3 support should take be referred to the appropriate MIC3 Standing Committee(s) so that all factors involved in that decision can be duly considered, including costs to the Commission and the member states, as well as the time it would take to accomplish expanded applicability to the most members of the Selected

Reserve in the most states.

- Commissioner Berg then reviewed the rationale of the current applicability; examined the big push for the coverage of the National Guard and Reserve now; explained what changed and noted the growing use of the National Guard.
- When the Task Force examined the total military force and the official definitions of the various reserve forces, it identified for coverage by the Compact the Selected Reserve, those that are reservists who regularly train and are mobilized for defense actions, or for state and community emergencies. These are the seven reserve components comprising approximately 800,000 members.
- Commissioner Berg reported the numbers of the seven (7) reserve components. Most are traditional (part-time) members. Only 17% of those 800,000 plus work as Full-Time Support for the Guard and Reserve, about 136,000. Categories of Reservists:
 - Traditional
 - Full-Time Support (Active/Guard Reserve), Military Technician and Active Component
- Commissioner Berg also noted the reasons why National Guard is different
 - Dual mission – State and Federal
 - Multiple funding – Title 10, Title 32, and State Active Duty
- Commissioner Berg also noted the reasons why National Guard, Reserve and Active Duty are the same too:
 - Enlist with the very specific obligation to lay down their lives when so ordered, which is a clear distinction from other U.S. citizens
 - Can be involuntarily ordered to active duty under federal law.
- Commissioner Berg then reviewed the question of Who Moves?
 - Discovered that a third of the active duty military members change duty station every year. Not all active duty military members have children, of course, but we know that every year lots of active duty kids move.
 - The National Guard and Reserves have about 434,000 kids among them and we wondered how often they moved.
 - Due to COVID, it was difficult to get assistance from Reserves and limited

help from the National Guard because everyone was busy. However, the NGRTF did receive two sets of data from the National Guard Bureau: databases from the Army National Guard and Air National Guard. The data showed all the interstate moves during six months (October 2019 to March of 2020). There were 923 Air National Guard members who moved from one state to another and 917 Army Guard members who moved from one state to another. The only database that showed any children (dependents) was the Army Guard database, and of that we had information on dependents for only about half of those 900 listed. Those data showed only 100 members with dependents. So only a small portion of those who moved had dependents, and there was no indication of the age of the 179 dependents. The NGRTF did some extrapolation and figured that if about 900 National Guard members move in six (6) months, maybe up to 2000 members move state-to-state in a year. Then that would indicate that less than 1% of the Air and Army Guard members move in a year and that the number of children would be very few children from the National Guard who actually have to change schools because their parent changed duty station.

- Commissioner Berg then provided information on figures that show that our Government has a real bargain with the National Guard and Reserve. She also reported that there was a National Guard and Reserve Family Forum held in Washington, D.C. in 2019 where a lot of the calls for parity with Active Duty for National Guard and Reserves were put forward. There is good rationale to include coverage under the Interstate Compact be added to those calls for parity and fairness
- Commissioner Berg then briefed some possible ways that the Commission could support expansion of Compact coverage to National Guard and Reserve. There were a number of ways noted:
 - Create appropriate legal language for state laws separate from Compact law
 - Provide examples of state laws already passed by member states
 - National Office craft an amendment to the Model Compact Language
 - Devise a dues structure that would fairly assess states under expanded coverage, comparatively few NG&R families do move state to state
 - Find partners who would help with efforts to change laws in the various states or nationally

- Commissioner Berg reviewed the original NGRTF motion which did not pass as well as the amended motion which did pass: that the Commission accept the task force report and refer it to the Executive Committee for further action. The current status is that a four-page directive was just sent to all of the State Councils to work on that suggestion so that at the next Annual Business Meeting (ABM) that the Commissioners would be able to vote on one of the five proposed options.

b. Develop State Position on National Guard and Reserve

- Commissioner Berg described the handouts: (1) the two-page full recommendation of the Task Force, which included the justifications, and (2) the MIC3 State Commissioner Guidance for developing a state position on the five courses of action proposed by MIC3 Executive Committee.
 - Amending the Compact Statute with pros and cons
 - Amend State Codes Outside of the Compact
 - Create an Enhanced Compact
 - Adopt a Memorandum of Agreement (MOA)
 - Take No Action At This Time
- Commissioner Berg reviewed the request from the National Commission:
 - Collect information on our state
 - Develop the position of our state council
 - Provide a written report to the National Office by August 31, 2021 stating the position of our state council
- Commissioner Berg noted the work ahead for the Hawaii State Council and that the next state council meeting would be in June or July. She opened the floor for questions and discussion.
 - CSM Oliver provided some comments on why we wouldn't look to help them as well (all components 1, 2, and 3 with our DOD civilians). Also noted that the civilian force also take an oath just as the soldiers do to serve but acknowledged the costs associated with why we put a cut off somewhere.
 - Commissioner Berg provided history and confirmed why the Commission did not make any movement on the arguments for the Guard and Reserve

because of the increased costs for dues. However, she noted that there is an argument that there are not really a lot of Guard and Reserve kids who do move. And the state commissioners are asked to find out how many kids that really would involve in their states.

- Marine Corps Base Hawaii (MCBH) School Liaison Officer (SLO) Amy Solomon noted the need and desire to officially add Guard and Reserve children to the Compact, but inquired if we have run into a lot issues where the Guard families have not been supported by the schools. Commissioner Berg responded that the justification that Utah had for changing their law was that they had one (1) military technician from the Air Reserve whose family made two or three difficult moves without support. During their move to Minnesota, the Minnesota Commissioner and Minnesota Department of Education would not give him a break because the member was not Title 10, but was Title 32 as a military technician. Berg noted that the numbers are really very small, and that the biggest issue is the perception. She continued that from 2004 and on, when the Guard members, particularly those who served overseas, come back off active duty they have very little support from the services afterward. There has been a lot of grief because the Reservists who serve, even primarily those that are on Title 10, don't get the same benefits for their service (i.e., they don't get the same health treatments for months after they come back if they were injured). SLO Solomon made comments about supporting school transitions and the ways schools are able to make things work for the benefit of the children outside of their normal processes for doing things. Commissioner Berg noted many of the complaints that are going on is that the Guard and Reserve families aren't considered to be military families, so if or when they have problems, if their sponsor is deployed and if they have issues, no one takes care of them. In fact, the Army Guard has a family support mission, every state has a family support department for their National Guard. We've had no complaints from National Guard families when their sponsors are deployed because they have been taking care of their own, and they generally don't change schools when they're deployed. Even with the complaint from Utah, the parents wanted services that aren't available under the Compact anyway. The Compact is a very limited document and doesn't handle the social and emotional issues, and those are the biggest ones that are the problem with our military families. She then noted the services available to them if they are on Title 10 but not Title 32.
- CSM Oliver inquired, why does the money have to come from the state in order to get the eligibility? Commissioner Berg responded by explaining how interstate compacts work versus federal laws and how education in the

United States is a very local enterprise. She noted that Hawaii is the only state that has one single school district and school board. She also provided additional information on the thinking of the Commission back in 2006. CSM reiterated his comment about total force including total force civilians and speculated about whether people could pay into the dues.

- SLO Solomon provided comments about recognizing the sacrifice and what the Guard and Reserve are doing but at the same time if we are just talking about student transitions and the ability to support those who move schools (which is the sole purpose of the Compact) then if it's a completely different issue than we are looking at here and if we decide based on the fact that we are not seeing it as an issue by our data, that could communicate something different from what we want to say here. She inquired with Commissioner Berg if she was getting any sentiments from any of the other commissioners, to which Commissioner Berg noted that one state commissioner wants a national law that all schools apply all the Compact rules to all kids.

c. Military Family Education Liaison

- Commissioner Berg noted that Ms. Okahara will update the Military Family Education Liaison position description and send that to the group.

7. Next State Council Meeting

- Commissioner Berg also informed everyone that Ms. Okahara will contact the Council members for a meeting in June or July with the main agenda item to develop the state's position on the National Guard and Reserve.

8. Public Comment (5 min per individual): There were none.

9. Meeting was adjourned at 12:33pm.

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