

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

Brig Gen (Ret) Kathleen Berg, Hawaii State Commissioner

Hawaii State Capitol, Room 309

**Wednesday, May 31, 2023
9:00–11:00 a.m.**

MINUTES

Attendance

Council Members Present

- Ms. Lauren Caldwell for Representative Justin Woodson, Hawaii State Legislature
- Col Angenene Robertson, J1, U.S. Indo-Pacific Command (USINDOPACOM)
- COL Steven McGunegle, Commander, U.S. Army Garrison Hawaii (USAGHI)
- CDR Matt ten Berge (ret) for CDR Jarod Toczko, Chief of Resources Management, U.S. Coast Guard District Fourteen
- Mr. Scott Thompson for Col Mike Staples, Commander, 647th Airbase Group/Deputy Commander, Joint Base Pearl Harbor-Hickam
- Deputy Superintendent Heidi Armstrong for Mr. Keith Hayashi, Superintendent, HIDEO
- Mr. Mark Arinaga for CAS Robert Davis, Complex Area Superintendent, Central: Leilehua-Mililani-Waialua, HIDEO
- CAS John Erickson, Complex Area Superintendent, Central: Aiea-Moanalua-Radford, HIDEO;
- CAS Sean Tajima, Complex Area Superintendent, Leeward: Campbell-Kapolei, HIDEO
- CAS Lanelle Hibbs, Complex Area Superintendent, Kailua-Kalaheo, HIDEO
- Ms. Tamsin Keone for Ms. Wendy Nakasone-Kalani, School Liaison Officer, Hawaii Education Liaison Officers Council (HELOC)
- Brig Gen (Ret) Kathleen Berg, State Commissioner, Military Interstate Children's Compact Commission (MIC3)
- Ms. Cherry Okahara, Military Liaison, HIDEO

Unable to Attend

- Governor David Ige
- Senator Michelle Kidani, Hawaii State Legislature
- Col Jeremy Beaven, Commander, Marine Corps Base Hawaii (MCBH)
- CAPT Anthony Pecoraro, Chief of Staff, Navy Region Hawaii
- Mr. Raymond Fujino, Executive Director, Oahu Interscholastic Association (OIA)

1. Call to Order

Meeting was called to order at 9:01 a.m.

2. Welcome/Farewell

Commissioner Berg welcomed the members of the Hawaii State Council and all guests in attendance, thanking them for their time. A special welcome was conveyed to the new military liaison from the Army, Colonel Steven McGunegle, Commander, U.S. Army Garrison Hawaii. The Hawaii DOE Military Liaison Cherry Okahara performed roll call.

3. Approval of the Previous Meeting Minutes

Recommended revisions to the July 21, 2022 meeting minutes were noted, and a motion to approve the minutes as corrected was approved.

4. Report

a. National Commission Activity & Annual Business Meeting (ABM)

HIDOE Military Liaison Cherry Okahara reported on the Military Interstate Children’s Compact Commission (MIC3) Annual Business Meeting (ABM) held October 19–20, 2022 in Baton Rouge, Louisiana, the first in-person ABM since the pandemic. Since Commissioner Berg was unable to attend, Ms. Okahara attended as her designee, and Ms. Wendy Nakasoni-Kalani of the Army School Liaison office also attended from Hawaii.

The event, hosted by Dr. Ernise Singleton, Louisiana’s State Commissioner, included over 120 attendees including state compact commissioners, ex-officio members, state and district personnel, and military school liaison officers from various branches of service. Speakers included Ken Bradford, Louisiana’s Department of Education Chief Operations Officer and, as keynote speaker, Mrs. Sharene Brown, spouse of the 22nd Chief of Staff of the Air Force, General Charles Q. Brown, Jr. In her videotaped address, she spoke about the importance of the work of the Commission and emphasized her and General Brown’s unwavering support for military families. The business meeting included numerous reports from standing committees, the executive, and general counsel as well as presentations from the MIC3 ex-officio organizations.

The executive officers were elected for a second term with Connecticut Commissioner Laura Anastasio as chair, Louisiana Commissioner Ernise Singleton as vice chair, and Missouri Commissioner Brian Henry as treasurer. Arkansas Commissioner John “Don” Kaminar continued to serve as past chair.

Following discussion of the options available to extend Compact coverage to dependents of the National Guard and Reserve (NGR) beyond those covered under Title 10 active-duty status, the Commission approved the development of a legislative toolkit to assist member states that wished to create state legislation external to their Compact statutes to address the NGR population.

A second measure was approved to provide administrative and legislative support to member states to accomplish the corrections to the Title 10 statute citations in their Compact laws. The Commission also featured presentations by two panels. Bloom Military Teens, the first panel, was made up of the teen founders of Bloom, who shared their perspective on educational transitions and provided an overview of the results from the Military Teen Experience Survey administered in conjunction with the National Military Family Association (NMFA). The second panel was titled Military School Perspectives and featured two military-connected district superintendents, a military-connected school principal, and a military school liaison (Hawaii’s very own, Ms. Wendy Nakasoni-Kalani), who discussed challenges and best practices for supporting military families.

b. Rules Changes (Handouts 1a, 1b, 1c)

Commissioner Kathleen Berg reported that the MIC3 changed their legal counsel after the 2021 ABM. It was no longer a single individual but a law firm specializing in compact legalities. The new firm carefully went through the Model Language of the Compact and the by-laws of the Commission and found some things wanting. Among them, they found that the references to the Title 10 Federal statute in the Model Language had errors in the citation: it cites “section” versus “chapter” and was recognized as a technical error. One of the citations is contained in the Compact Rules as part of the definition of Active Duty, where the error in the citation could create difficulties if the Compact, under an enforcement action, was challenged. under the law. Handout 1a shows the citation correction, which was proposed and approved by the commissioners as a rule amendment. All 51 members of the commission were told that they needed to correct the same citations in their state statutes. Commissioners were discouraged from opening up their state legislation for amendments, so in Hawaii, we need to coordinate with the chairs of our education committees in the State Legislature in order to see if a technical amendment is possible so that we would not have to open up the statute and take the risk of other amendments being made to it. Compacts are legal contracts among states; they differ from federal law. If one party unilaterally changes their statute, they endangering their membership in the commission, since they unilaterally change the compact, which is not allowed. We cannot change anything substantive in our state law and remain a member of the Compact in good standing. This is also the root of the problem of extending Compact coverage to the National Guard and Reserve: amending the Compact is fraught with danger to the integrity of the Compact itself, since every state would have to make identical changes and no other changes to their state statutes to accomplish a legal amendment. Once a state statute is opened to amendment, controlling what happens is nearly impossible.

Commissioner Berg then shared Handout 1b, “Proposed Rule Amendment: MIC3 Rules: Chapter 300- Transfer of Education Records and Enrollment, SEC. 3.102 Application for Transfer of Student Records and Enrollment.” Commissioner Berg reported that this amendment came about as a result of Hawaii’s request for a legal opinion related to the “kindergarten rule” and its use of the term “accredited” as related to schools in a sending state. As a result, an additional paragraph was added to the rule directing that “Accreditation of the school in the sending state shall only be required where accreditation of that school is otherwise required under the laws of the sending state for the provision of public funds.” Commissioner Berg further explained that Hawaii had a case where a principal was reluctant to allow a 4-year-old to continue kindergarten even though all four conditions in section (b)(3) of the rule were met, because of the reference in paragraph (b) to an “accredited” school, which read, “A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.” The definition of “accredited” was in question, as well as the conditions under which sending schools had to be accredited.

The result was that it was a very good question to ask the National Commission, and we thanked the principal who brought it up. It was also noteworthy to mention that the family was making arrangements with the school liaison officers three or four months before they were going to move. They wanted to make sure everything went smoothly. All of the questions came up and were resolved way before the family moved. When they moved, the child didn’t even miss school; she went right into kindergarten.

Finally, Commissioner Berg explained the amendment to the rule titled Chapter 600 SEC 6.102 Eligibility for Extracurricular Participation. The original rule was only one paragraph, and the Rules Committee was asked for more specification. The added paragraphs (b), (c), and (d) listed on Handout 1c focus on how information about extracurricular activities is communicated. The rule now explains the actions that public schools must take to ensure that transitioning military children and families are informed about extracurricular activities.

c. ABM Follow Ups (Handouts 2a, 2b)

Commissioner Berg noted that, as reported by HIDOE Military Liaison Okahara, after a long discussion on the topic, the Commission at the 2022 ABM voted in favor of providing resources and guidance to states regarding the creation of standalone state statutes specifically to expand coverage of the Interstate Compact for National Guard and Reserve families. To facilitate the 2022 ABM discussion, a handout titled “External State Statute Legislative Toolkit” had been prepared by legal counsel for the ABM. A copy was provided for the state council meeting as Handout 2a. It was a draft of general guidance for states on developing stand-alone statutes in their state to address state-specific issues (for instance, for DoD Civilian Dependents like had been done by Kentucky, or to recognize high school credits taken in eighth grade, or virtual school). One of the examples referred to in the toolkit was the Arkansas law that expanded Compact coverage to the National Guard and Reserve in that state. Arkansas had essentially created a separate law with all of the language in the new law from their Compact law. Their stand-alone law covered NGR dependents without referencing their Compact law. Legal guidance is that states do not amend or open their current compact statute and do not attempt to supersede or override their compact statute. To be avoided was any language that sounds like it is amending the original Compact law. Commissioner Berg explained that it can be complicated and the law that Arkansas passed was perfect. They repeated all of the situations and conditions and rules and allowances from the Interstate Compact law for the National Guard and Reserve in their state. And they added a requirement that districts have military student coordinators. The handout has lists under Do and Don’t; the Dos include contacting the MIC3 National Office to have any proposed state legislation reviewed by MIC3 legal counsel, and it refers to the Arkansas legislation, providing a link to the text of that law. Hawaii has a distinct advantage over other states in that our schools are all under one school district, so that a HIDOE or HIBOE policy letter can accomplish what in other states requires a state law to do. Policy is not as powerful as a law, but it is easier and faster to accomplish. Commissioner Berg noted that over the last year or so she has not detected any demands that Hawaii expand Compact coverage to NGR. In gathering data for the state position on the issue, it appeared that the children of Reservists in the state were indistinguishable from the active duty dependents in terms of treatment in the schools, regardless of whether sponsors were on Title 10 or Title 32. There also appeared to be little need for coverage of school transitions for National Guard dependents, since moves that involved changing schools were infrequent in this population and generally self-directed rather than a result of military orders. However, there could be needs in the future and adding liaisons from the Hawaii Air and Army National Guard to the State Council has been discussed repeatedly, such that action is overdue. Doing so now will allow us to anticipate and plan for actions to support Hawaii’s National Guard military families when the need arises.

Commissioner Berg then addressed Handout 2b titled “2022 Annual Business Tier Group Meeting Breakout Discussion Summary.” Commissioner Berg directed the Council’s attention to page 7 of the orange MIC3 rule book, where under Chapter 200 General Provisions SEC. 2.102 Data Collection and Reporting is listed the following:

SEC.2.102 Data Collection and Reporting

- (a) As required by the compact, and as specified by the operational procedures and forms approved by the Commission, the States shall gather, maintain, and report data regarding the transfer and enrollment of students who transfer from one State LEA to another State LEA under this compact.
- (b) Each State shall report to the Commission annually the number of students transferred to an LEA from another State and received from another State’s LEA in the previous year.
- (c) Reports required under SEC.2.102 (a) and (b) shall be received by the Commission no later than June 30 of each year.

Commissioner Berg informed the Council that she was at the 2009 annual business meeting when all of the rules came to the floor for the state commissioners to approve rule by rule. The Commissioners representing the school districts from across the county objected to the data collection mandate because they simply could not collect the data of military kids in transition,

in and out of the states. The time period was when No Child Left Behind was in force, and state school systems were objecting to any more data collection mandates. Every school would have to keep count of military student transitions into and out of their school/state. So the commissioners did not approve that rule, and it was pretty much ignored in the years since. However, the new MIC3 legal counsel has insisted that since the requirement is part of the Compact Model Language in all the state legislation it is a requirement that must be addressed by the Commission.

Our Hawaii law says it in Article 9 that the Interstate Commission “shall collect standardized data concerning the educational transition of the children of military families under this compact, as directed through its rules, which shall specify the data to be collected, the means of collection and data exchange, and the reporting requirements.”

Commissioner Berg went further to explain how the Commission has estimated the number of military children who transition each year, based on knowledge that military students transition 6 to 9 times during their 12-year education career and that about a third of the military moves each year. The number of school-age military dependents present in each state is provided to the Commission by the DoD, based on the DEERs DoD database. However, that data reflect where military parents are stationed versus where the military dependents are enrolled. Data from the state’s federal survey cards (Impact Aid) data collection is our best attempt at collecting accurate numbers of military dependent children in our schools, but we know that those data under count the number of students because not all parents fill out the cards. The U.S. Department of Education ESSA (Every Student Succeeds Act) requires states to create a Military Student Identifier, but Hawaii to date has used the Federal Impact data to serve that purpose, not fully complying with ESSA. Some states do better than others collecting such data: Arkansas collects and reports transition data every year in their annual state report.

The military liaisons to the Council contributed to a rich discussion of the features and limits of the DEERs database and other possible sources of transition data. Commissioner Berg summarized, reading from a MIC3 memo to commissioners. Moving forward, the Commission leadership recommended that relevant committees or tier groups provide the National Commission feedback and recommendations for how the rule carrying out the data collection mandate should be tailored to reflect the realities of the inconsistent access to data among member states.

d. Executive Director Cherise Imai’s 3-day Official Visit March 28–30, 2023

Ms. Okahara reported that Executive Director Imai was productive during her visit to Hawaii, which included meetings, briefs and trainings with the following:

- USINDOPACOM
- Superintendent Keith Hayashi
- Pacific Region Air Force School Liaisons
- Joint Services Parent Training
- Aiea-Moanalua-Radford Complex Vice Principals
- Department of Defense Education Activity (DoDEA) Pacific Region

Executive Director Imai also provided an Interstate Compact Training at the Transition Centers Best Practices Conference on March 29. The training was attended by state, complex, district and school level staff as well as other interested stakeholders in attendance at the conference.

e. MIC3 National Office Training Initiatives

Commissioner Berg commented that if anything good came out of the pandemic situation, it was the development of expertise and problem solving done at the MIC3 National Office around training. For the past 6–7 years, they had emphasized training and worked with the Military Impacted Schools Association (MISA) to help do training all over the country. The National Office used all that experience to prepare virtual training courses, called Compact 101 and Compact 201. They provide a workbook that goes out to all participants, and they also

record the training sessions so that attendees can go back and watch the whole session. They now provide these trainings regularly and publish a monthly calendar of available virtual trainings. This is a boon to Hawaii schools who want to apply for the Purple Star NORBERT Hawaii Award, since Interstate Compact training is one of requirements.

Also, while Executive Director Imai was in Hawaii, she explained to HIDOE Leadership that she could customize trainings for complexes, schools, and other groups using virtual components and face-to-face trainers. In the office call with Superintendent Hayashi planning was initiated for a training session for HIDOE Executive Leadership in August.

5. Old Business

a. **Update: Training/Meeting Report**

Ms. Okahara reported the Interstate Compact Training at the Transition Centers Best Practices Conference in March was the largest training session of the year. Commissioner Berg and Ms. Okahara also meet with the Joint Base Pearl Harbor-Hickam team of Ms. Yamasaki, Ms. Dangerfield, and Mr. Garrett to brief Captain Pecoraro, Chief of Staff, Navy Region Hawaii in April.

b. **Update: Hawaii Case Matrix for FY23**

Ms. Okahara reported that thanks to the joint military school liaison officers working with our school administrators, she and Commissioner Berg do not get a lot of cases that rise to the attention of the state commissioner. Commissioner Berg noted that one high school case in particular that did request her assistance involved an impressive school registrar who was very well informed and dedicated. She spent a great deal of time and effort dealing with a request from the parents of a high-achieving student to waive a world history course requirement for graduation. Quite of circle of people were included in the discussion to talk through the case. In that discussion, it came out that the Hawaii military-impacted high schools seem to have slightly different policies with respect to what course credits are acceptable replacements for Hawaii required courses. The inconsistencies among the high schools made it somewhat difficult for parents and students and has resulted in some “shopping around” by parents to determine which school will accept the most credits to substitute for required courses. There was discussion among the Council members about getting together military-impacted school registrars at least once or twice a year to discuss the issue of credit transfer alignment to increase consistency as well as discuss other issues like transiency, handling temporary residency, and online enrollment. There was a productive discussion among the HIDOE members of the Council to get a meeting among registrars or registrars and principals sooner rather than later to make progress on increasing the consistency among our high schools in credit substitutions, especially in the state’s social studies courses.

c. **Update: State Compact Dues**

Ms. Okahara reported that the dues invoice for fiscal year 2024 was received; Hawaii was assessed \$20,584 for the state’s Compact dues. She noted that we would use the remaining funds from FY23 (\$8,330) to pay the first installment of the dues, and when the general funds are made available for the upcoming year, then pay the balance of \$12,254. Commissioner Berg directed the Council members to page 8 of the rule book, where the dues formula is articulated. Member states now pay \$1.15 per school-age military child living in the state, according to data from the DEERs database. Commissioner Berg provided some historical background for the development of the dues formula over the course of the Commission’s existence from 2008 to now.

d. **Update: Military Family Education Liaison (Handout 3)**

Ms. Okahara noted that the job description for the Military Family Education Liaison (MFEL) was provided in the handouts (Handout 3), and she encouraged everyone to send it out to interested individuals who would be good candidates for the position. There was no deadline

provided. The position has been hard to fill over the years, and it was suggested that schools need more information about the activities and the time commitment involved in being an MFEL, so that they could better answer questions from military parents who express an interest in the position. DS Armstrong asked if there was a roles and responsibility list available so schools would be able to answer what this role would actually be doing and how much time would be dedicated to it when they advertise it out to parents at their schools. It was acknowledged that there was lots of flexibility in how someone could fulfill the role, and it was suggested that perhaps one of the military parent representatives to the Joint Venture Education Forum could serve both positions.

e. Update: Compact Citation Correction

Commissioner Berg noted that she mentioned earlier in the meeting coordinating with our state legislators to see if we have a short cut to do the Compact Citation Correction as a technical correction rather than as an amendment to the statute.

f. Update: State Position on National Guard and Reserve (Handout 4)

The Council members were directed to Handout 4, “Statutory Language External to the Compact” and how it describes what states have done or are in the process of doing in particular to address the challenges in their state. Arkansas, was the one front and center with Act 939, which addresses children of military families who are enrolled in a public school. It extends eligibility to students of National Guard Members and provides for advanced enrollment. California allows for advance enrollment and virtual enrollment.

There was a discussion about what has happened in Hawaii with military families and advance enrollment. Having them enroll in the school near their temporary lodging, prior to them knowing where they would live, and then requiring them to change schools when they move to their permanent housing has been an ongoing challenge. It was noted that this subject matter has also been discussed at JVEF meetings. Members commented on what is the definition of enrollment versus registration (securing a spot in class). The school enrollment issue is closely tied to housing issues. For example, the Navy has their service members be on island before they can get on a community housing list. Added to the discussion was DoDEA Pacific’s conditional enrollment process. The issue involves multiple factors for families: where they will live (temporary lodging vs. wait-list) as well as where they will work and whether or not they will be given the flexibility of enrolling in the housing they choose to provide the best stability for their children. Additional considerations mentioned were the workload for the schools and the reality of what a move to Hawaii might mean for a military-connected child when they need to make more than one school transition on island in a school year. It was suggested that describing a series of scenarios that are typical or even rare could be a first step in getting a better grasp of all the dimensions of the issue, and then working through scenario by scenario what might be possible in each situation could help better define problems and solutions for slowly working through the tangle of circumstances that families find themselves dealing with when they move to Hawaii.

6. New Business

a. New Compact Rules Book, Second Edition|Version Three (Handout 5)

Commissioner Berg pointed out the new (orange) rule book, titled “Compact Rules” that was referenced throughout the meeting and is available online on the MIC3 website as well as in print. Ms. Okahara is able to get printed copies especially for upcoming trainings.

b. Annual Report for FY23 due June 30, 2023 (Handout 6)

Handout 6 titled “End of Year Report for FY2022” was provided to Council members. It is a rather sterile format for the report, done that way last year to take advantage of the new online submission option. Commissioner Berg said that because of its limitations, she would not make use of the online submission option for the FY23 report. States have total latitude as to

the formats of their annual reports as long as the required information is included in the report. Deadline for sending the report to the MIC3 National Office is June 30, 2023.

c. Request for Topics/Issues for 2023 MIC3 ABM, November 19–20 in Richmond, VA

Commissioner Berg noted that the data collection requirement in the Compact Model Language will certainly be a topic at the upcoming November annual meeting. Having a better idea of the limitations of the various data sources we have used—Federal Impact Aid numbers and the DEERs DoD database—could be useful. Hawaii’s problems with advance enrollment appear to be somewhat unique and not a relevant topic for the MIC3.

d. Discussion of data collection rule and issues for upcoming Tier Group meetings

Commissioner Berg reported that virtual meetings of the four Tier Groups were being planned by the MIC3 Executive Committee because they hold some promise of being more productive for the generation of ideas and issues given the discussion group size is small. She solicited ideas from the Council that might be productive topics for those groups. During the subsequent discussion, the question was raised about the percentage of military connected students in Hawaii’s schools versus just the numbers of students. The speaker noted that California has big numbers of military connected students, but the state population is so large and geographically spread out that compared to Hawaii where the numbers as a percentage and the geographical concentration on Oahu make for a larger impact of the military-connected population. The group then worked with the data at hand to figure out what percentage of the public school enrollment is now military connected. Commissioner Berg reported that back in the early 2000s when she was actively researching military-connected students in Hawaii public schools and had reliable data, the military dependent students made up 8% of the public school population and when the DoD-connected civilian population was included, the DoD-related students in the public schools rose to 12% of the public school population. The group did some public arithmetic, using the dues assessment and formula to estimate the military dependent student count at 17,900. One Council member found the number 171,600 as the most recent public school population on the HODOE website. From there the group estimated that the military dependent student population made up about 10% of the total public school population in Hawaii, more than the 8% of the early 2000s. An interesting discussion ensued.

7. Next Council Meeting

The date and location of the next meeting of the Hawaii State Council is to be determined.

8. Public Comment

None.

9. Adjournment

Meeting was adjourned at 10:54 a.m.

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