

BILL ANALYSIS

S.B. 90
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Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Frequent moves and parental deployments can impose barriers to educational success on the children of military families. These barriers include the difficulty under current law of transferring educational records between school districts and variations in certain entrance or age requirements. Eleven states have already enacted the Interstate Compact on Educational Opportunity for Military Children to address inequities facing the school-aged children of service members who are required to relocate to a different state.

S.B. 90 enters Texas into the Interstate Compact on Educational Opportunity for Military Children. The compact facilitates the student placement process, qualifications and eligibility for enrollment, and on-time graduation and provides for the collection and sharing of information between and among member states.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Interstate Commission on Educational Opportunity for Military Children and the commissioner of education in SECTION 1 of this bill.

ANALYSIS

S.B. 90 amends the Education Code to enact the Interstate Compact on Educational Opportunity for Military Children. The bill states the purpose of the compact as the removal of barriers to educational success imposed on children of military families because of frequent moves and deployments of their parents and lists eight goals of the compact. The bill defines "active duty," "children of military families," "compact," "compact commissioner," "deployment," "education(al) records," "extracurricular activities," "Interstate Commission on Educational Opportunity for Military Children," "local education agency," "member state," "military installation," "non-member state," "receiving state," "rule," "sending state," "state," "student," "transition," "uniformed service(s)," and "veteran."

Applicability

S.B. 90 establishes that the Interstate Compact applies to the children of: active duty members of the uniformed services as defined in the compact; members or veterans who are severely injured and medically discharged or retired for a period of one year after discharge or retirement; and members of the services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death. The bill establishes that the provisions of the compact only apply to local education agencies as defined in the compact and do not apply to the children of: inactive members of the national guard and military reserves; members of the uniformed services now retired, except as provided above; veterans of the uniformed services, except as provided above; and other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Educational Records and Enrollment

S.B. 90 establishes requirements for unofficial or "hand-carried" education records, official education records and transcripts, immunizations, and kindergarten and first grade entrance age in relation to the educational transition of military children.

Placement and Attendance

S.B. 90 establishes requirements for course placement, educational program placement, special education services, placement flexibility, and absences as related to deployment activities.

Eligibility

S.B. 90 establishes requirements relating to eligibility for enrollment and extracurricular participation.

Graduation

S.B. 90 establishes procedures for coursework waiver requirements, exit exams, and transfers during senior year. The bill authorizes the commissioner of education to adopt rules as necessary to implement duties and authority regarding the adoption of a test passing standard that may be substituted for the completion of a course or a test score required for graduation, and requires the Texas Higher Education Coordinating Board to monitor the postsecondary performance of students allowed to graduate in accordance with that passing standard.

State Coordination

S.B. 90 requires each state, through the creation of a state council or use of an existing body or board, to provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, the compact and Interstate Commission on Educational Opportunity for Military Children activities. The bill requires a state council to include certain members and requires the council to appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact. The bill requires the compact commissioner responsible for administration and management of the state's participation in the compact to be appointed by the governor or as otherwise determined by each state.

Interstate Commission on Educational Opportunity for Military Children

S.B. 90 creates the Interstate Commission on Educational Opportunity for Military Children consisting of one voting representative from each member state and other ex-officio members, and it requires the commission to meet at least once each calendar year, establish an executive committee, establish bylaws and rules, give public notice of all meetings, keep meeting minutes, collect standardized data concerning the educational transition of the children of military families under the compact as directed through its rules, and create a process to keep the commission informed regarding alleged violations of the compact or its rules.

Powers and Duties of the Interstate Commission

S.B. 90 establishes that the Interstate Commission has certain powers and duties relating to dispute resolution, rulemaking, advisory opinions, enforcement, offices, insurance and bonds, personnel, committees, officers and employees, grants and donations, owning and disposing of property, budget and expenditures, seal and bylaws, annual reports, coordination of education, training, and public awareness, uniform data standards, corporate books and records, other necessary functions, and the uniform collection and sharing of information. The bill provides that the commission's rules have the force and effect of statutory law and are binding in the compact states to the extent and in the manner provided in the compact.

Organization and Operation of the Interstate Commission

S.B. 90 requires the Interstate Commission, by a majority of the members present and voting, within 12 months after the first meeting, to adopt bylaws to govern its conduct to carry out the purposes of the compact. The bill requires the commission to elect members to executive positions. The bill sets forth the duties and responsibilities of the executive committee, officers,

and personnel. The bill immunizes the commission's executive director and employees from suit and liability in relation to the scope of their commission employment.

Rulemaking Functions

S.B. 90 requires the Interstate Commission to promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact, and the bill sets forth rulemaking procedures.

Oversight, Enforcement, and Dispute Resolution

S.B. 90 requires the executive, legislative, and judicial branches of state government in each member state to enforce the compact and take all actions necessary to effectuate the compact's purposes and intent. The bill sets forth requirements should the Interstate Commission determine that a member state has defaulted in the performance of its obligations or responsibilities under the compact or the bylaws or promulgated rules. The bill requires the commission to attempt, upon the request of a member state, to resolve disputes which are subject to the compact and requires the commission to promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. The bill requires the commission, in the reasonable exercise of its discretion, to enforce the provisions and rules of the compact.

Financing of the Interstate Commission

S.B. 90 requires the Interstate Commission to pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities. The bill authorizes the commission to levy on and collect an annual assessment from each member state to cover necessary costs. The bill prohibits the commission from incurring obligations of any kind prior to securing funds adequate to meet them or pledging the credit of any member states without the authority of the member state. The bill requires the commission to keep accurate records of all receipts and disbursements and to subject the receipts and disbursements to audit and accounting procedures established under its bylaws.

Member States, Effective Date, and Amendment

S.B. 90 establishes that any state is eligible to become a member state and that the compact becomes effective and binding upon legislative enactment of the compact into law by no less than 10 states. The bill authorizes the commission to propose amendments to the compact, for enactment by the member states, and it prohibits an amendment from becoming effective and binding unless and until it is enacted into law by unanimous consent of the member states.

Withdrawal and Dissolution

S.B. 90 specifies procedures by which a member state may elect to withdraw from the compact and be reinstated following withdrawal. The bill specifies that the compact dissolves on the date of the withdrawal or default of a member state which reduces the membership in the compact to one state.

Severability and Construction

S.B. 90 establishes that the provisions of the compact are severable and are to be liberally construed to effectuate the purposes of the compact. The bill prohibits the provisions from being construed to prohibit the applicability of other interstate compacts to which the states are members.

Binding Effect of Compact and Other Laws

S.B. 90 establishes that nothing in the compact prevents the enforcement of any other state law that is not inconsistent with the compact and that all lawful actions of the Interstate Commission, including its rules and bylaws, are binding upon member states.

Effect on Texas Laws

S.B. 90 specifies that if the laws of Texas conflict with the compact or a rule adopted under the compact, the compact or rule controls, except that if a conflict exists between the compact or rule

and the Texas Constitution, as determined by Texas courts, the Texas Constitution controls.

Compact Commissioner

S.B. 90 requires the governor to appoint a compact commissioner to be responsible for administration and management of Texas' participation in the compact.

State Coordination

S.B. 90 requires the Texas Education Agency to provide for coordination among state agencies, school districts, and military installations concerning Texas' participation in and compliance with the compact and compact activities. The bill requires the agency or the commissioner of education, as appropriate, to perform the duty or function of a state council to the extent that the compact requires it.

S.B. 90 specifies that reciprocity agreements governing the terms of public school transfers for military personnel and their dependents are to be pursued with other states that are not parties to the compact.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.