

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB575

Hearing Date: Tuesday March 08, 2011
Committee On: Education
Introducer: Price
One Liner: Adopt the Military Children Educational Opportunity Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Adams, Avery, Cornett, Howard, Schilz, Sullivan, Council, Haar
Nay:
Absent:
Present Not Voting:

Proponents:

Senator Scott Price

Representing:

Introducer

Opponents:

Representing:

Neutral:

Brian Halstead

Representing:

Nebraska Department of Education

Summary of purpose and/or changes:

Legislative Bill 575 proposes the Military Children Educational Opportunity Act. The act replicates requirements contained in the Interstate Compact on Educational Opportunity for Military Children without ratifying the compact. The general purpose of the act is to remove barriers to educational success of children of military families due to frequent relocation and deployment of their parents.

Explanation of amendments:

Basic Summary

The committee amendment strikes the original sections and becomes the bill. The amendment would ratify the Interstate Compact on Educational Opportunity for Military Children and provide for state administration of the compact. The amendment would also enable the Department of Education to accept a devise, donation, or bequest to pay any or all of the costs associated with administering the compact under authority provided to the State Board of Education pursuant to section 79-318.

Section-By-Section Summary

Section 1 of the amendment contains the language of the compact and provides for its enactment. The issues addressed in the respective articles of compact are described below.

Article I sets forth the purpose of the compact. The general purpose of the compact is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents.

Article II defines terms used in the compact.

Article III contains provisions that specify the children and entities to which the compact is applicable.

Article IV contains provisions pertaining to educational records, compliance with immunization requirements, and continuation of grade-level enrollment.

Article V contains provisions pertaining to course, program, and special education placement and student absences related to deployment activities.

Article VI contains provisions regarding eligibility for enrollment and participation in extracurricular activities.

Article VII contains provisions regarding graduation.

Article VIII contains requirements related to coordination of state participation in the compact.

Article IX states the creation of the Interstate Commission on Educational Opportunity for Military Children (Interstate Commission) and sets forth its duties.

Article X outlines the powers of the Interstate Commission.

Article XI sets forth duties pertaining to organization and operation of the Interstate Commission.

Article XII contains provisions related to the Interstate Commission's rulemaking authority and procedures.

Article XIII contains provisions related to oversight, enforcement, and dispute resolution.

Article XIV contains provisions related to the financing of the Interstate Commission.

Article XV contains provisions that pertain to joining the compact, its effective date, and procedures for its amendment.

Article XVI contains provisions related to withdrawal from the compact, the circumstance in which it would be dissolved, and actions taken upon dissolution.

Article XVII contains provisions related to the construction of the compact and provides that the provisions of the compact are severable.

Article XVIII addresses the binding effect of the compact on member states and the effect of the compact on other state laws. The provisions of the compact would supersede state law to the extent of the conflict. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of a member state, such provision would be ineffective to the extent of the conflict with the constitutional provision in question.

Section 2 defines terms for purposes of implementation of the compact.

Section 3 requires the State Department of Education (department) to oversee and provide coordination for the state's participation in and compliance with the compact. The department would provide staff support for the State Council on Educational Opportunity for Military Children, which is created in section 4 of the amendment.

Section 4 creates the State Council on Educational Opportunity for Military Children within the department. A member state's participation in the compact is required to be coordinated through such a council or an existing board pursuant to Article VIII of the compact. The following would serve as ex officio members of the council: (i) the Commissioner of Education; (ii) the chairperson of the Education Committee of the Legislature, who would serve as a nonvoting member of the council; (iii) the compact commissioner appointed pursuant to section 5 of the amendment; and (iv) the military

family education liaison, who would be appointed by the council and would serve as a member of the council after such appointment. The State Board of Education would also appoint the following members to three-year terms on the council: (i) the superintendent of a school district that has a high concentration of children of military families; and (ii) a representative of a military installation located in Nebraska. Vacancies in the council would be filled in the same manner as the initial appointments. Members of the council would be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The council would be tasked with the duties of (a) advising the department with regard to the state's participation in and compliance with the compact and (b) appointing a military family education liaison to assist families and the state in implementing the compact.

Section 5 designates the deputy commissioner of education to serve as the compact commissioner and bear responsibility for administering the state's participation in the compact.

Section 6 authorizes the department to accept a devise, donation, or bequest to pay for any or all of the cost of administering the compact under the authority given to the State Board of Education under section 79-318.

Section 7 amends section 79-318 to require the State Board of Education to accept, in order to administer the compact, any devise, donation, or bequest received by the State Department of Education pursuant to section 6 of the amendment.

Greg Adams, Chairperson