

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
JOINT COMMITTEE HEARING
HOUSE EDUCATION COMMITTEE
HOUSE INTERGOVERNMENTAL AFFAIRS
VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE

MAIN CAPITOL BUILDING, ROOM 140
HARRISBURG, PENNSYLVANIA
THURSDAY, SEPTEMBER 18, 2008, 9:35 A.M.

BEFORE:

HONORABLE JAMES R. ROEBUCK, CHAIRMAN
HONORABLE ANTHONY J. MELIO, CHAIRMAN
HONORABLE RUSSEL H. FAIRCHILD, CHAIRMAN
HONORABLE DAVID J. STEIL, CHAIRMAN
HONORABLE RICHARD T. GRUCELA, SUBCOMMITTEE CHAIRMAN
HONORABLE PATRICK J. HARKINS
HONORABLE THADDEUS KIRKLAND
HONORABLE MARK LONGIETTI
HONORABLE MARK COHEN
HONORABLE EDDIE DAY PASHINSKI
HONORABLE JAKE WHEATLEY
HONORABLE THOMAS P. MURT
HONORABLE KATHY L. RAPP
HONORABLE SAM ROHRER
HONORABLE CARL W. MANTZ
HONORABLE SCOTT E. HUTCHINSON
HONORABLE JIM MARSHALL
HONORABLE JOHN D. PAYNE

HEATHER L. ARTZ, RMR, CRR
REPORTER - NOTARY PUBLIC

	I N D E X	
2	SPEAKER	PAGE
3	Mark Cohen	5
4	Rick Masters	29
5	Candace Wheeler	45
6	Joseph York	54
7	Susan Wuestner	60
8	Dr Patricia Sanker	73
9	Stuart Knade	82
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 CHAIRMAN ROEBUCK: Good morning. I'd like
2 to call the committee hearing to order. This is a
3 joint hearing of the House Education,
4 Intergovernmental Affairs, and Veterans Affairs and
5 Emergency Preparedness committees on the issue of the
6 Interstate Compact With Educational Opportunity for
7 Military Children.

8 I'd like to first recognize -- I'm Jim
9 Roebuck, chairman of the House Education Committee.
10 I'd like to recognize the other chairs who are here,
11 if they would introduce themselves.

12 CHAIRMAN FAIRCHILD: Thank you,
13 Mr. Chairman. I am minority chairman of the military
14 and veteran -- or Veterans and Emergency Preparedness
15 Committee.

16 CHAIRMAN MELIO: Tony Melio, chairman --
17 majority chairman Veteran and Emergency Preparedness.

18 REPRESENTATIVE STEIL: Dave Steil, Bucks
19 County, I'm the Republican chair for the
20 Intergovernmental Affairs committee.

21 CHAIRMAN ROEBUCK: Thank you. And I'd also
22 then ask that the members might introduce themselves
23 as well.

24 REPRESENTATIVE RAPP: Representative Kathy
25 Rapp. I represent the 65th District of Warren,

1 Forest, and Ford townships in McKeane County.

2 REPRESENTATIVE MANTZ: Carl Mantz, 187
3 Legislative District straddling Burks and Lehigh
4 counties.

5 REPRESENTATIVE MARSHALL: Representative Jim
6 Marshall, 14th District, Beaver County.

7 REPRESENTATIVE COHEN: Mark Cohen, Northeast
8 Philadelphia.

9 REPRESENTATIVE PAYNE: John Payne, 106th
10 District, Southeastern Dauphin County.

11 REPRESENTATIVE HUTCHINSON: Scott
12 Hutchinson, 64th District, Venango and a portion of
13 Butler counties.

14 REPRESENTATIVE ROHRER: Sam Rohrer, 28th
15 District, Berks County.

16 REPRESENTATIVE HARKINS: Pat Harkins, 1st
17 District, Erie and Lawrence Park.

18 REPRESENTATIVE PASHINSKI: Eddie Day
19 Pashinski, Luzerne County, 121st District.

20 REPRESENTATIVE GRUCELA: I'm Rich Grucela
21 from Northampton County, and I am sitting down.

22 REPRESENTATIVE PASHINSKI: Very short.

23 CHAIRMAN ROEBUCK: Thank you. I'd like then
24 to go to the legislative House Bills 2518 and House
25 Bill 2566 and ask that the sponsors of the

1 legislation, Representative Mark Cohen, Representative
2 Tom Murt, might come forward and give us introductory
3 remarks on the legislation.

4 REPRESENTATIVE COHEN: Thank you,
5 Mr. Chairman. With so many chairs here I guess I just
6 say Mr. Chairmen and members of the respective
7 committees, thank you for considering legislation that
8 would assist school transfers of students in military
9 families. That would resolve the complications that
10 many military families regularly face.

11 Our defense needs call for frequent
12 restationing of soldiers. This frequent restationing
13 uproots their families. We owe our soldiers and their
14 families reassurances that will ease these
15 readjustments their children face in transferring
16 between schools.

17 There should be swifter and easier school
18 records transfers. Military students should be
19 properly placed into the correct courses at the new
20 schools soon after their arrival.

21 While each state or school district may have
22 separate processes they think are best for their
23 citizens, we need to recognize students in military
24 families often are only temporary students in any
25 state's school systems. These military transfer

1 students are harmed when records transfers are slow
2 and difficult for a new school to match with their
3 programs. We need schools to provide the best
4 education offerings for each student, including
5 students of military families.

6 Students from military families have been
7 told they can't graduate because they took classes in
8 one state that aren't accepted in the school district
9 they moved into. This is something that one cannot
10 predict and plan for for the simple reason that the
11 military personnel do not control their assignments.

12 This compact will solve these problems.
13 This compact is something we can do for our soldiers
14 that makes their lives less complicated. This is
15 something we can do for ourselves, as sometimes people
16 decide against volunteering for military service
17 knowing the hardships that it places on their children
18 and their children's education. It's something we can
19 do for the students who will benefit the most from the
20 compact's work.

21 Why is this bill important? Many of us
22 remember the military kids who were in our classrooms,
23 maybe some of you were military students. Their
24 parents were career military and perhaps even
25 short-term enlistments, and suddenly they were gone

1 from your classes. The military needed a parent to be
2 elsewhere, and the children were told, we're the
3 military, or precisely the branch of service they were
4 in, told them to go. The students who suddenly
5 disappeared or who suddenly appeared in your classes
6 often in the middle of the year went to or came from
7 other schools, often you notice that these students
8 were in the wrong classes, maybe they already had the
9 material that was being taught, perhaps they were
10 overwhelmed by what the teacher was saying.

11 Eventually the teacher would announce they
12 received information from the previous school and the
13 student was moved into another class, yet much time
14 had been wasted on that kid being in the wrong room.

15 Perhaps you saw one of these kids your
16 senior year. They, like you, were about to complete
17 four years of high school, yet maybe there was a
18 certain requirement your school had which their
19 previous school didn't. Maybe someone should have
20 pointed this out to the student so the student could
21 have enrolled in that class needed to graduate. Or
22 maybe there just wasn't time to complete the
23 requirement, yet maybe there was something the student
24 had taken that could have counted as fulfilling the
25 graduation requirement, yet you graduated and the

1 military student was left behind.

2 Wouldn't it have been better if that kid
3 could have graduated with you and at least could have
4 gotten the diploma issued from his or her previous
5 school?

6 This bill will allow Pennsylvania to join
7 the Interstate Compact on Opportunity For Military
8 Children. It was developed with the cooperation of
9 the Council of State Governments and has been awarded
10 the best practices designation by the National
11 Governor's Association.

12 This compact creates uniform and speedy
13 reporting among states joining this compact of school
14 information regarding a student with an active duty
15 military personnel parent. This includes the reserves
16 and the National Guard. The student information will
17 be for those in kindergarten through twelfth grade.
18 The student information will be uniformly shared. The
19 student information to be uniformly shared will be
20 information assisting school district administrators
21 in properly placing these students into their correct
22 courses. State immunization requirements would remain
23 in effect. Students would receive recognition of
24 their new schools for any advance placement and honors
25 work completed. The new school district would have a

1 right to evaluate that previous achievement has been
2 obtained and that the student is enrolled in the right
3 programs and courses.

4 This compact will allow a military student
5 to graduate if comparable previous work satisfies the
6 graduation requirements in a new school district. The
7 school district will work with the student to enable
8 the student to graduate on time. An exit exam or
9 English course exam passed in one state would be
10 accepted in other compact states. The military
11 compact -- a military student, rather, who transfers
12 during senior year who is unable to match past work
13 with the graduation requirement in a new school would
14 be able to graduate with the diploma from the previous
15 school.

16 The compact will work with each member state
17 and seek means to make these military student
18 transfers occur quickly and accurately. It will
19 collect and exchange data on these transcripts. There
20 already are 11 states that have joined the compact.
21 And more, I'm certain, will follow. The states that
22 have already joined the compact are Arizona, Colorado,
23 Connecticut, Delaware, Florida, Kansas, Kentucky,
24 Michigan, Missouri, North Carolina, and Oklahoma.

25 This compact is beginning to meet and should

1 be operational within a few months. Should we join
2 this compact and for some reason change our minds,
3 states are permitted to leave this compact.

4 A State Council on Interstate Educational
5 Opportunity For Military Children would be created if
6 this bill becomes law. States are required by the
7 compact to have statewide councils. The only
8 difference between my bill and Representative Murt's
9 bill are a slight difference in the composition of our
10 council. My bill would have the council consistent of
11 the education secretary as well as three gubernatorial
12 appointees. It would require one of the appointees be
13 a school district superintendent and in a district
14 with military students, one be a representative of the
15 military, and one be a representative of the executive
16 branch.

17 Representative Murt's bill calls for four
18 appointees by the governor with no specifications as
19 to their background. His bill also places the compact
20 administrator on the council, whereas mine does not.

21 We both call for four appointees from each
22 of the four legislative appointees, one appointee per
23 legislative leader. We prepared our bills
24 independently and unaware of each other's bill. Thus,
25 members of the committee may decide which council

1 composition they prefer or amend one of our bills to
2 create a council composition they prefer.

3 Compacts between the states have existed
4 since colonial days. There are approximately 200
5 compacts with each state belonging to about 25
6 compacts. It varies from state to state. Some
7 compacts are national compacts, some compacts are just
8 regional compacts.

9 Compacts are useful to states in supporting
10 future governmental grasps state authority. This
11 compact proposal is an excellent way to demonstrate
12 our commitment to making military students' school
13 transfers occur in the best interest of these
14 students.

15 The U.S. Defense Department estimates the
16 additional cost of complying with the goals of this
17 compact will be approximately \$1 per military student
18 transfer. The Department of Defense states there were
19 18,725 military school age children living in
20 Pennsylvania as of last June. An average of about
21 one-fourth of these students annually transfer, so the
22 total cost to compliance across the state should be
23 under \$5,000.

24 If opponents of this bill complain it will
25 cost more because school officials will be forced to

1 take the time to consider what education path is best
2 for military students, my response is it is already
3 the responsibility of school administrators to take
4 the time to consider what educational path is best for
5 all their students, and this legislation merely calls
6 attention to the fact that military students have
7 needs that are different from others.

8 The council of state governments estimates
9 that the annual cost for the compact itself will be
10 under \$650,000, which will be split among the member
11 states. If Pennsylvania adopts it we'll have at least
12 12 states, and I am confident that the number will get
13 higher very quickly.

14 This is a low cost investment in improving
15 the education futures of our students and helping our
16 military families.

17 Now, there are various questions that have
18 been raised about this bill, and I'd like to take the
19 opportunity to answer them.

20 Doesn't this attempt to create a national
21 standardized record exchange that would take away
22 local control and make it more difficult for school
23 administrators to do their jobs? And the answer I
24 would give to that is there is little loss of local
25 control at the educational system over making

1 administrators quickly send records that can be
2 understood by other school administrators.

3 This compact does not deal with any local
4 control issues and is strictly limited to military
5 transfer -- military student transfers. It may, in
6 fact, improve education if all student transfer
7 records were standardized, yet this compact is limited
8 only to military student transfers. This recognizes
9 the need and request for our military that schools be
10 willing to make a very slight sacrifice for our
11 military efforts.

12 Would this compact create additional burdens
13 and costs upon school administrators? This compact is
14 only asking school administrators to do what they are
15 supposed to do in their jobs, yet do so in a timely
16 and comprehensive fashion. In this day of electronic
17 and fax communication, it is not that much of a burden
18 to require school records to be sent from one school
19 to another in required number of days. And these days
20 of the Internet, it is not unreasonable to expect the
21 school in Pennsylvania will have contacts with the
22 school in another state.

23 These records will have to be provided at
24 some point. Administrators may need to discuss and
25 evaluate how some courses match with courses in other

1 school districts. Again, this is already their job.
2 This may conceivably increase costs, but the Defense
3 Department estimates that the increased costs are
4 minimal, about \$1 per student transfer. Indeed,
5 perhaps school districts that used to transfer records
6 by mail that switched to sending them electronically
7 may find themselves saving a dollar per transfer.
8 Either way, this is not a huge cost item. It may well
9 cost more to lobby against this bill than it would
10 cost your school district to comply with it.

11 Finally, the last two questions we face that
12 I have answers for being doesn't this create another
13 layer of costly bureaucracy upon our school system.
14 The answer is no. The compact is not a complex and
15 costly entity. The Council of State Government
16 estimates that the annual budget will be under
17 650,000, which will be split among the member states.
18 Pennsylvania, as I said before, will be the twelfth
19 state to join, and in all likelihood many more states
20 will join. The total cost for Pennsylvania will be
21 under 55,000 and likely much less than that, as other
22 states divide off the administrative costs.

23 What it does -- what this compact does do is
24 show that states can respond among themselves from a
25 federal request from the Defense Department. An

1 alternative would be that Congress legislate the
2 nature of school records. Compacts preserve the
3 rights of states while addressing simultaneously a
4 national need.

5 Finally, isn't it true that once the state
6 joins the compact that it's stuck in that compact and
7 can never leave? That is not true. The compact and
8 the bill allows for Pennsylvania or any other state to
9 change its mind and withdraw from the compact. The
10 state would have to remain in the compact for one year
11 before withdrawing, but it can decide to leave after
12 that one year period.

13 I think this bill is a very simple bill.
14 The people who came up with this, with the compact and
15 at the Council of State Governments, did deserve a lot
16 of credit. It makes me proud to have been appointed
17 last year, along with Representative Roebuck and other
18 members of the legislature, as a member of the
19 executive committee of the Eastern Regional Council of
20 the Council of State Governments. This is a
21 worthwhile national proposal for state governments. I
22 would urge our support of it. Thank you.

23 CHAIRMAN ROEBUCK: Thank you, Representative
24 Cohen. I'm advised that Representative Murt is not
25 here, but he has given us his comments on the

1 legislation, which is part of the material that you
2 have. I'm also aware that other members have joined
3 us. I'd ask that those who have come in since the
4 initial introductions might, in fact, now introduce
5 themselves.

6 REPRESENTATIVE WHEATLEY: Representative
7 Wheatley from Allegheny.

8 REPRESENTATIVE LONGIETTI: Representative
9 Longietti from Mercer County.

10 REPRESENTATIVE KIRKLAND: Representative
11 Kirkland, Delaware County.

12 CHAIRMAN ROEBUCK: Thank you. Questions to
13 Representative Cohen?

14 REPRESENTATIVE STEIL: Thanks,
15 Representative Cohen, for the testimony. I very much
16 appreciate it. It's a subject that many of us have
17 not been familiar with.

18 You use the term compact administrator, and
19 I'm trying to understand is the compact administrator
20 in Pennsylvania or is there a national compact
21 administrator someplace who oversees the states who
22 are members of the compact itself?

23 REPRESENTATIVE COHEN: I would assume there
24 would be a compact administrator in Pennsylvania. It
25 doesn't have to be a separate job. It would just be

1 somebody who is assigned to those responsibilities.

2 REPRESENTATIVE STEIL: Thank you.

3 REPRESENTATIVE COHEN: I would think within
4 the Department of Education presumably you would field
5 any requests for information about it.

6 REPRESENTATIVE STEIL: Thank you,
7 Mr. Chairman.

8 CHAIRMAN ROEBUCK: Thank you.
9 Representative Pashinski.

10 REPRESENTATIVE PASHINKSI: Thank you,
11 Mr. Chairman. Representative Cohen, could you just
12 take us through the process of how this would work
13 now, if we're going to get a military student to
14 transfer as opposed to the way it is now, can you give
15 us a comparison with what the difference would be?

16 REPRESENTATIVE COHEN: The difference is
17 that we have a state structure and a state requirement
18 and that we know that what we do, at least the other
19 compact states are going to be doing. Let's say a
20 student transfers from Oklahoma, which was one of the
21 compact states, into a school district in Luzerne
22 County, Wilkes-Barre, a school district, right now.

23 What all too often happens is that it takes
24 a while to get the transcript from the previous school
25 in Oklahoma because there's no institutionalized

1 relationship between and Oklahoma school district and
2 the Wilkes-Barre school district, or an Oklahoma
3 district and the Philadelphia district, or an Oklahoma
4 district and the Camp Hill district. And a student is
5 quickly assigned to classes, and often because there's
6 radical change -- the radical differences perhaps in
7 the curriculum the student has taken in Oklahoma and
8 the curriculum in the Pennsylvania school district,
9 the student is either given course material that is
10 duplicative or material that is too hard or material
11 that doesn't deal with the graduation requirements.

12 And then, you know, sooner or later people
13 gradually get around, either in Oklahoma, to tracking
14 where the student has left, or in Wilkes-Barre or in
15 Philadelphia or Camp Hill or wherever, somebody gets
16 around to figuring out where this district in Oklahoma
17 is and eventually they get the information. And
18 sometimes the information shows that the student was
19 placed in the wrong classroom and then the student is
20 transferred. Sometimes the information shows that the
21 student failed to complete a requirement in the
22 Pennsylvania school district that did not exist in
23 Oklahoma.

24 REPRESENTATIVE PASHINKSI: I understand
25 that. But I'm saying, though, we have student A who's

1 going to come from Oklahoma to Pennsylvania.

2 REPRESENTATIVE COHEN: Yeah.

3 REPRESENTATIVE PASHINKSI: So what is the
4 student -- if you had a compact student's record,
5 would go to the compact and then the compact would be
6 the distributor?

7 REPRESENTATIVE COHEN: It would be required
8 to go directly to the school district. And presume --
9 and this sends a wake-up call, the ratification of
10 this amendment, A, sends a wake-up call to school
11 districts because there's a problem here and that they
12 are to recognize that there's a problem. And right
13 now -- right now they tend not to in many cases. I'm
14 sure there are good administrators all over who do
15 realize it's a problem, but it is a problem. It's
16 unrecognized in too many cases. And it sets up a
17 framework where there's a cooperative relationship.

18 If the student, for instance, cannot meet
19 the requirements in Pennsylvania and the Pennsylvania
20 school he came from, and Pennsylvania says look, we in
21 good conscience cannot grant him a degree because he
22 didn't meet our requirements and we believe this
23 requirement is necessary to graduate from school in
24 Pennsylvania, this would require the school in
25 Oklahoma to grant the kid a degree, if he met the

1 Oklahoma requirements and not the Pennsylvania
2 requirement.

3 Similarly, it offers the same protection for
4 a student who grew up in Pennsylvania who goes to
5 Oklahoma, that Oklahoma is now required to either
6 grant -- to either grant him a degree or notify the
7 Pennsylvania school he came from that they cannot in
8 good conscience under their laws grant him a degree,
9 and then the Pennsylvania school offers the kid a
10 degree.

11 So we have kids benefiting both ways. Both
12 kids who come to Pennsylvania and kids who come from
13 Pennsylvania will benefit. This just seeks to force a
14 cooperative relationship. And the low cost of this
15 bill is due to the fact that everybody really means
16 well. There's no sense that there's a vast conspiracy
17 here. This is just a problem that tends to fall
18 through the cracks, through the small number of
19 students and, you know, only a fraction of the 5,000
20 students I think have problems graduating. But this
21 is a recognition that the state government can do
22 something about a national problem.

23 REPRESENTATIVE PASHINKSI: Thank you, sir.

24 CHAIRMAN ROEBUCK: Representative Grucela.

25 REPRESENTATIVE GRUCELA: Thank you,

1 Mr. Chairman. Representative Cohen and Representative
2 Murt, I think you have two excellent bills here. I
3 totally support both of them. And those of us in the
4 room here who have been educators know these are great
5 kids to have in class, when they come from another
6 state especially. Actually, I'd like to see it for
7 all students that come from different states, but
8 that's a different subject.

9 But I do have two questions. You mentioned
10 the barriers, one of the barriers, graduation
11 requirements. What -- how about -- what other
12 barriers do these students face?

13 REPRESENTATIVE COHEN: Well, there may be --

14 REPRESENTATIVE GRUCELA: Let me put it this
15 way, Mark. Instead of like -- I'm thinking about a
16 specific example that wasn't a military family
17 student, how about like in extracurricular activities,
18 let's say athletics, okay. And I'm also concerned
19 with whether we might create a double standard in how
20 we get around that, but in my local school district
21 there was a student who came in from Virginia and the
22 bottom line was the local district committee did not
23 allow him to participate in extracurricular
24 activities. Now, had he been and we passed this bill
25 and it becomes law and had he been the son of a

1 military family, he would have been able to
2 participate if this would become law, but does that --
3 I guess it overrules the PIAA and the local districts
4 powers?

5 REPRESENTATIVE COHEN: I think it would.
6 You know, I'm not certain it would have that effect,
7 but if it did, but certainly -- an interstate compact
8 does overrule the PIAA. It's somewhere below federal
9 law.

10 REPRESENTATIVE GRUCELA: Okay. Because --

11 REPRESENTATIVE COHEN: It's prior to state
12 law.

13 REPRESENTATIVE GRUCELA: I guess I'm asking
14 where the PIAA fits in here, because they tend to be
15 independent of us in a lot of ways and have caused a
16 lot of problems over the years. That was my question,
17 and whether or not we might not have a double standard
18 and some people complain or even take to court the
19 fact that from another state one person can't be in
20 extracurricular activities and another can. So but
21 something we may need to think about.

22 And my other question is what about if the
23 student came from overseas? What if the student is
24 transferring in to Pennsylvania and had spent school
25 time with the military parent overseas somewhere?

1 REPRESENTATIVE COHEN: If it's stationed by
2 the U.S. military --

3 REPRESENTATIVE GRUCELA: Does this bill
4 cover it? This is like interstate compact. But what
5 if the student -- and is it possible to amend it to do
6 that?

7 REPRESENTATIVE COHEN: No. This is not a
8 compact with foreign countries. Our state government
9 really doesn't have the power to compact to foreign
10 countries.

11 REPRESENTATIVE GRUCELA: But we could pass a
12 separate bill that says that if students from a
13 military family transferred in to Pennsylvania, you
14 know, they could -- they would not face the same
15 barriers because there are always -- I've had students
16 who have spent time -- again, they're better yet when
17 you've been in a foreign country to compare education,
18 but over the course of the time I have had students
19 who actually --

20 REPRESENTATIVE COHEN: We could certainly
21 pass legislation.

22 REPRESENTATIVE GRUCELA: Would be separate.

23 REPRESENTATIVE COHEN: It would be separate
24 from this compact.

25 REPRESENTATIVE GRUCELA: There's no way to

1 include it because in here, because it's a compact
2 among the state and we can't include anything foreign,
3 I guess that's what you're saying.

4 REPRESENTATIVE COHEN: I believe that's what
5 the case is. It might be worth looking at what our
6 authority is to deal with foreign countries, but we
7 can certainly help the students who come in from
8 foreign countries even if we cannot mandate that the
9 foreign countries reciprocate.

10 REPRESENTATIVE GRUCELA: I just didn't want
11 to leave them out. Thank you.

12 CHAIRMAN ROEBUCK: Representative Rapp.

13 REPRESENTATIVE RAPP: Thank you,
14 Mr. Chairman. Thank you, Mr. Cohen. I find this bill
15 to be very interesting and certainly a bill that I can
16 support.

17 REPRESENTATIVE COHEN: Thank you.

18 REPRESENTATIVE RAPP: If you can please --
19 you're welcome. Just let me give a for instance. If
20 a family or whoever the child's caretaker is would
21 move to Pennsylvania from another state from a
22 military base or from overseas or wherever, I'm not
23 sure -- and say they're a junior in high school so
24 looking at graduation, or even a senior, the beginning
25 of their senior year, and they're waiting and waiting

1 for those records, what recourse do parents have right
2 now? And I know the real issue is we're looking at
3 time here.

4 REPRESENTATIVE COHEN: Right.

5 REPRESENTATIVE RAPP: And being familiar
6 with, say, personal education laws, those times are
7 set into calendar days or actual school days. But how
8 will this correct procedurally for parents, this
9 compact with states, how will this allow parents to
10 have some type of process and shorten the time where
11 records and curriculum can be resolved in a more
12 timely fashion for those students?

13 REPRESENTATIVE COHEN: Well, this certainly
14 gives parents a legal authority to rely on in dealing
15 with the school students. They say the state has
16 ratified this interstate commerce -- this interstate
17 compact, and as a result of the state's ratification
18 of this interstate compact, this school district has a
19 duty to properly contact his district in another
20 state. And, you know, if the school says they're
21 busy, you say you have the duty under the interstate
22 compact to do it. And we can file a lawsuit to compel
23 you to do it. We don't want to do that, and 99
24 percent of the time nobody's going to have to do it
25 because the people are very reasonable people in the

1 school district.

2 REPRESENTATIVE RAPP: So does this compact
3 set up something civilly or something that's
4 administratively within the Department of Education?

5 REPRESENTATIVE COHEN: It would be
6 administratively within the Department of Education.

7 REPRESENTATIVE RAPP: Okay. Thank you.

8 REPRESENTATIVE COHEN: I assume some
9 other -- some relevant person within the Department of
10 Education would be assigned this as one of -- as one
11 of the number of responsibilities. I don't think it
12 requires a separate bureaucracy. I'm talking about
13 5,000 students here a year, many of them don't have
14 any problems at all.

15 REPRESENTATIVE RAPP: And I'm assuming that
16 also administratively that parents wouldn't have an
17 avenue to file some type of complaint then directly
18 through the Department?

19 REPRESENTATIVE COHEN: That would be a
20 matter of regulation. The state would have to set up
21 a state council. Representative Murt and I have
22 slightly different compositions of the -- of the state
23 council. The state council could issue regulations
24 through the ERK process just like any other state
25 government agency could do that.

1 CHAIRMAN ROEBUCK: Let me just observe here
2 that we do have other witnesses who will be presenting
3 on this bill, and perhaps some of the questions in
4 more detail, they might be able to handle. And
5 hopefully at the end of the hearing or the end of the
6 day we'll answer all these questions and not put the
7 entire burden on our colleague.

8 REPRESENTATIVE COHEN: Okay.

9 CHAIRMAN ROEBUCK: That's agreeable. Let me
10 just ask one question, if I might. I was a little --
11 on the observation you made about if a student comes
12 and they don't meet the requirements and they go back
13 to their old district and get a diploma, is there any
14 provision in the -- in your proposal that talks about
15 the time at which that might be invoked? I can
16 understand if you come as a senior, you might
17 legitimately go back to your old and say, look, I was
18 a senior and I should be able to complete my degree.
19 If you're a sophomore it's somewhat different. So is
20 there any provision that sets a time frame within the
21 language of this legislation?

22 REPRESENTATIVE COHEN: I believe it's safe
23 to say that assuming the student graduates and
24 completes the requirements of the school district he
25 is not -- his final school district, by the normal

1 graduation date, he has to get a graduate -- he has to
2 get a degree from either the school district he came
3 from originally or the school district he is currently
4 in.

5 CHAIRMAN ROEBUCK: I thought we were talking
6 about a student who somehow did not meet the
7 graduation requirements in the district into which he
8 moved in Pennsylvania.

9 REPRESENTATIVE COHEN: And then if he did
10 not meet it then he has to get a degree from the other
11 school district.

12 CHAIRMAN ROEBUCK: Well, at what point?

13 REPRESENTATIVE COHEN: As long as he met the
14 Pennsylvania requirement I -- there is no cutoff
15 point --

16 CHAIRMAN ROEBUCK: Okay. Thank you.

17 REPRESENTATIVE COHEN: -- in this bill.

18 CHAIRMAN ROEBUCK: Okay. Thank you. Are
19 there any other questions? If not, thank you.

20 REPRESENTATIVE COHEN: Thank you,
21 Mr. Chairman.

22 CHAIRMAN ROEBUCK: Let us then go to Rick
23 Masters, special counsel for the Interstate Compacts
24 Council of State Governments. Let me just say before
25 we begin, I know that those who are going to testify

1 submitted written testimony to us, so those presenters
2 need not feel the necessity to read word for word what
3 they've given us. But I think the best recourse would
4 be if we could have dialogue on the legislation.

5 MR. MASTERS: Mr. Chair, that was exactly
6 what I had in mind. Let me introduce myself,
7 respective chairs and members, I'm Rick Masters. I'm
8 legal counsel -- special legal counsel to the Council
9 of State Governments at our headquarter's office in
10 Kentucky.

11 As Representative Cohen's already mentioned,
12 we're happy to have several members of your
13 legislature serving on the Eastern Regional Council on
14 the Council of State Governments. As many of you
15 know, CSG has been in the interstate compact business
16 since its founding back in 1937. And we just recently
17 celebrated our 75th anniversary in Lexington.

18 I have been involved in interstate compacts
19 for many years after leaving the State of Kentucky as
20 assistant attorney general. Also might add that I'm
21 happy to be back in Pennsylvania where my mother hails
22 from, and I have a daughter and son-in-law in
23 Philadelphia who are in some of our higher educational
24 institutions at Villanova and Temple. And thank you
25 for the opportunities that are provided to my family.

1 I have been involved in the preparation of a
2 number of interstate compacts over the years,
3 including several which I'm proud to say the
4 legislature of the Commonwealth of Pennsylvania has
5 introduced and passed, including the Interstate
6 Compact For Adult Defender Supervision has a governing
7 structure much like this one, the Interstate Compact
8 For Juveniles and a number of other interstate
9 compacts. I've also been involved in litigation
10 concerning these instruments in which interpretation
11 of various provisions of compacts has been one of the
12 issues.

13 I was happy and pleased to be able to
14 participate with the Department of Defense, which has
15 been a partner with the Council of State Governments
16 in this effort. And they agree with CSG's position
17 which, as you know, is historically to preserve the
18 position of the states within our federal system. And
19 the important stake that states have in many areas of
20 legislative activity, including education, we think
21 should be a function of state government.

22 And I'm pleased to tell you the Department
23 of Defense, even though they're a federal agency, they
24 agree with that proposition, which is one of the
25 reasons that this is being presented to you in the

1 form of an interstate compact.

2 Now, interstate compacts, as I have
3 mentioned in my remarks, aren't new to Pennsylvania or
4 any other state. In fact, Pennsylvania's a member of
5 about 34 interstate compacts, including a number that
6 are national in scope, and including several that have
7 administrative bodies that are set up to operate much
8 like the one that is in the bill before you.

9 So this is nothing new and you've used them
10 to manage a number of different issues from
11 environmental management of river basins to
12 transportation issues, multi-state taxation, health
13 issues, corrections issues, and in this case
14 education.

15 Now, we didn't all get together in an upper
16 room and draft this without recourse to some national
17 education groups. And so I want to reassure you that
18 we've had some input from the types of education
19 groups that you would expect us to have consulted with
20 before drafting and recommending to legislators like
21 Representative Cohen and the committee here this
22 legislation.

23 Some of these groups -- including the
24 National School Board Association, the National
25 Association of State Boards of Education, the National

1 Education Association, the National Association of
2 Elementary School Principals, the National PTA,
3 military impact with schools association, and the
4 education commission of states -- therefore, there
5 were a lot of other organizations involved, but all of
6 these groups had membership on the advisory committee
7 that directed the drafting group of which I was a
8 major participant in trying to shape this compact to
9 deal with the issues that most effect military kids.

10 Now, as Representative Cohen has already
11 pointed out, this only applies to military children of
12 active duty members of the military, including
13 National Guard and reserve members who have been
14 activated. And it would only apply when they are
15 transferring from one school district of one state to
16 a school district of another state.

17 There is provision, in answering one of the
18 other member's questions or in response to that, for
19 the deployed persons that are overseas. And the
20 Department of Defense school system handles those
21 students, and then they would relate directly to this
22 compact so that we have information that can be
23 submitted when a state gets one of these kids
24 independent of the compact itself.

25 What we have tried to do in this particular

1 compact is to look at the major issues that affect
2 these kids and try to deal with what we attempted to
3 establish as a lowest common denominator that all
4 states could live with but did not unduly interfere
5 with the prerogatives of the education departments.
6 And we're certainly aware that, you know, school
7 systems need to be independent and need to run
8 education systems because they're the experts. But
9 what we're trying to do is deal with four primary
10 areas that this compact covers. And I'll just
11 summarize these briefly, and if possible maybe respond
12 to one or two questions that came up earlier.

13 The four areas that we're primarily
14 focussing on in this compact are enrollment,
15 eligibility, placement, and graduation.

16 Now, enrollment, as Representative Cohen has
17 already made reference to, deals with the frequently
18 encountered problem of military family. And by the
19 way, you'll have several military families here that
20 will tell you about anecdotal situations in their own
21 lives that illustrate these points. But with
22 enrollment one of the big problems has been when a
23 military family transfers from one state to another,
24 frequently they will not have the original record with
25 them with which to get enrolled.

1 Some of the mothers or fathers of these
2 children will hand carry copies of the documents, but
3 believe it or not, there are some school systems, I'm
4 sure not in Pennsylvania, but in some states that
5 won't accept these photocopies even on a provisional
6 basis. So we're trying to set up a minimal standard
7 that says at least allow the student to get enrolled
8 based on what appears to be a legitimate document and
9 then agree to a period, which this compact provides of
10 10 days, within which the original record must be sent
11 from the sending state school district to the
12 receiving district.

13 With eligibility, we're talking about things
14 like athletics and extracurricular activities, such as
15 National Honor Society, Beta Club, or any of these
16 groups. Many times, as I'm sure the members are well
17 aware, military families don't have a choice about
18 when they move during the year. So they may arrive in
19 the school district after cheerleading tryouts, after
20 football tryouts, after the candlelight induction
21 ceremony for the Beta Club or National Honor Society,
22 and their student is left without recourse of any
23 kind. And in districts in other states simply shrug
24 and say we're sorry, you're just too late.

25 The compact simply says we'd like you to

1 reasonably attempt to accommodate these students, if
2 they're otherwise qualified. If your student has a
3 3.57 grade point average and is eligible for the Beta
4 Club or the National Honor Society, give them an
5 opportunity to be a member and don't count them out
6 just because they didn't show up for the ceremony
7 because the parent didn't get transferred soon enough.

8 It doesn't require the school district to
9 make a new position on the football team or the
10 basketball team. It doesn't require a school district
11 to allow a student that's not qualified to play those
12 sports to participate. It simply says if there is a
13 reasonable opportunity that can be given to this
14 student, if there is a position available on the team,
15 if they're otherwise qualified to participate, we'd
16 like you to make a good faith effort to accommodate
17 this student. And that's really the philosophy
18 throughout this compact.

19 It's somewhat like the civil rights statutes
20 that -- and the burdens that they impose which is to
21 make a reasonable effort, a reasonable duty to
22 accommodate a student. We realize that not every
23 student in every case can be accommodated. But at
24 least attempt to do it and don't just say no because
25 that's the easiest thing to do. And there are

1 districts, believe it or not, where that is the
2 response.

3 A third area where the compact attempts to
4 bring some fairness is in the area of placement.
5 Under the compact, it doesn't require a school
6 district to refrain from giving placement tests or
7 making their own independent decisions about
8 placement, but it does suggest that to facilitate
9 enrollment that the school district in the receiving
10 state accept the placement determination of the
11 sending state on a provisional basis, and then once
12 the student is enrolled, if the receiving school
13 district, say in the Commonwealth of Pennsylvania,
14 wants to do a test or conduct other placement
15 determinations, they're free to do that and even
16 reclassify that student, just as you would anybody
17 else. But don't let placement issues hold up
18 enrollment, because that's really the overarching goal
19 here is to make the transfer of the student as least
20 disruptive as possible.

21 Finally, with graduation, I know there was a
22 question or two about that. This doesn't require
23 accommodation of a student who transfers in a
24 sophomore year, because they've got time after they
25 get here to transition. But if -- if your student is

1 transferring from California where they were a senior
2 and they come to Pennsylvania and all the sudden
3 they're a junior because they didn't take the state
4 exit exam or they didn't take Pennsylvania history,
5 we're asking the state to do something, if possible,
6 to accommodate that requirement in the senior year.
7 It is possible to waive that placement test or exit
8 exam or allow a substitute normative test to be
9 substituted, we're asking the state to do that.

10 We realize that may not be possible, so
11 we're also asking states, are there other course
12 requirements that you can allow that would be given
13 credit so that student could graduate. And the
14 default position is if no other alternative is
15 available, at least cooperate with the sending
16 district where that senior came from to see if we can
17 get that student a diploma and they can graduate on
18 time, rather than disrupt their lives and make them
19 stay in school for another year or two when it's
20 really unreasonable to do that.

21 So I appreciate the opportunity to be here.
22 I tried to give you kind of a thumbnail sketch of
23 what's here, and be happy to answer any questions that
24 the members may have. Thanks for the opportunity to
25 be here.

1 CHAIRMAN ROEBUCK: Thank you very much.
2 Questions? Yes, Representative Grucela.

3 REPRESENTATIVE GRUCELA: Thank you,
4 Chairman. Thank you, Mr. Masters. Just one, if I
5 understood you correctly, take me through this
6 overseas thing again.

7 MR. MASTERS: All right.

8 REPRESENTATIVE GRUCELA: Is it covered in
9 overseas transfer?

10 MR. MASTERS: Interstate compacts, like
11 treaties, may require congressional approval, although
12 we believe that with the type of compact we're
13 proposing here it is legally acceptable for states to
14 enter into it without the necessity of going to
15 Congress. That's not to -- not true with a -- what
16 would amount to a treaty with a foreign country. And
17 under the treaty, because of the federal constitution,
18 I don't think we could make a foreign country a member
19 of this without congressional consent. And, frankly,
20 I really hadn't planned to do that.

21 What we are able to do is use the Department
22 of the Defense school system, which runs through those
23 overseas schools, which will have a representative as
24 an ex-officio member of this governing body that is
25 set up under this compact to help facilitate the

1 transfer of those student records independent of the
2 compact, and then once they get into a state, then the
3 compact would take care of them for any other moves
4 that take place after that.

5 REPRESENTATIVE GRUCELA: So we are pretty
6 much covered.

7 MR. MASTERS: Yes. I don't think there's a
8 gap there that would present a problem. And I know
9 Mr. Kriner here with Department of Defense can
10 probably fill you in even in more detail than I can,
11 since I don't work with DOD.

12 REPRESENTATIVE GRUCELA: This way I don't
13 have to introduce a bill that will die in the senate.

14 MR. MASTERS: Exactly. I don't think that
15 will be necessary, Representative. Thank you.

16 CHAIRMAN ROEBUCK: Representative Steil.

17 REPRESENTATIVE STEIL: Thank you,
18 Mr. Chairman. Can you just tell me what the dispute
19 resolution process would be when disagreements arise
20 between two states on interpretation of the compact?

21 MR. MASTERS: Good question. And I think
22 where that question may ultimately lead is is there a
23 private right of action for a parent under this
24 compact. The answer is no. And there's clear case
25 law on the subject. In fact, I'm litigating a case

1 right now for another compact agency. And the Supreme
2 Court of the United States and a lot of other federal
3 courts and no other courts to the contrary have said
4 that unless the compact specifically says we're giving
5 a private right of action to an individual citizen
6 under this compact, you don't have one.

7 So the grievances are really for resolution
8 of disputes among the states that are members. And so
9 what we've got in mind with alternative dispute
10 resolution is if a couple of states disagree over how
11 a student transfer ought to be handled and that can't
12 be worked out any other way, we got a provision for
13 mediation or arbitration so we can at least resolve
14 that without having to sue somebody to enforce this
15 instrument.

16 REPRESENTATIVE STEIL: Thank you,
17 Mr. Chairman.

18 CHAIRMAN ROEBUCK: Thank you.
19 Representative Fairchild.

20 CHAIRMAN FAIRCHILD: Thank you,
21 Mr. Chairman. On the eligibility portion of your
22 testimony --

23 MR. MASTERS: Yes, sir.

24 CHAIRMAN FAIRCHILD: -- where you mentioned
25 members should be provided with a reasonable

1 opportunity to be included in extracurricular
2 activities.

3 MR. MASTERS: I think we use the term
4 facilitate a reasonable opportunity, so.

5 CHAIRMAN FAIRCHILD: In practicality, how
6 does that work for some of the types of
7 extracurricular activities where there's a process
8 that one goes through to participate and then the
9 student comes in and maybe the game is in process or
10 the play is in process or the musical in process,
11 how -- in a practical world, how does that take place?

12 MR. MASTERS: All right. We realize that
13 not every situation can be remedied. And there will
14 be cases where a student has simply gotten there too
15 late and there's nothing that can be done. But we're
16 asking school districts to act in good faith and not
17 just deny an opportunity without at least
18 investigating is there some way this child could
19 participate that's reasonable. We're not expecting
20 that the Pennsylvania Athletics Association or the
21 athletic association of every state is going to allow
22 a student to be given a newly created football
23 position when there's a certain number that are
24 allowed to be on the varsity or junior varsity, and we
25 understand those limits are going to provide some

1 impediments no matter what happens, but that's why
2 we've used this language of facilitating an
3 opportunity if -- if it exists. Its, again, it's a
4 reasonable accommodation. It may not always be
5 possible, but we are asking for a good faith effort.
6 And that's really all that the compact requires.

7 CHAIRMAN FAIRCHILD: Thank you.

8 CHAIRMAN ROEBUCK: Are there other
9 questions? Could I just get some clarification --

10 MR. MASTERS: Yes, sir.

11 CHAIRMAN ROEBUCK: -- on the last thing
12 about participation. Is the receiving district held
13 harmless if, indeed, a student comes in, they make
14 accommodation, then it's subsequently they find out
15 there's some reason they shouldn't have made that
16 accommodation?

17 MR. MASTERS: Well, again, there is no
18 private right of action that is given to the parent or
19 the student, so I would think that, you know, that
20 student isn't going to have some legal basis that's
21 independently created. My guess is that a student
22 that's denied participation could probably file a suit
23 now, whether they're military or not if they think
24 that that position was based on some unfair or illegal
25 ground.

1 CHAIRMAN ROEBUCK: I guess I'm making the
2 reverse of that. If the student comes in and the
3 school district makes accommodation for them and then
4 they find out under PIAA rules in Pennsylvania that
5 student was, in fact, not eligible for the team --

6 MR. MASTERS: I gotcha.

7 CHAIRMAN ROEBUCK: -- is that then, are they
8 forced -- are they in a position where they might have
9 to forfeit a game because that student participated in
10 some way?

11 MR. MASTERS: You know, we haven't dealt
12 with that level of specificity, but that's one reason
13 we've got a governing structure here that does have
14 some limited rule making ability, because we realize
15 there are going to be issues like that, Mr. Chair, and
16 we simply couldn't agree as a drafting or advisory
17 group on how to micromanage those, but we do think
18 they should be dealt with through rules.

19 CHAIRMAN ROEBUCK: Okay. Thank you. Any
20 further questions?

21 REPRESENTATIVE MANTZ: Would the compact
22 contemplate the transfer of disciplinary records as
23 well, the expedient transfer of disciplinary records
24 or disruptive student of one district coming in
25 another school district, out of state?

1 MR. MASTERS: Again, I think that would be a
2 fertile field for some rule making. I know there
3 might be some issues concerning confidentiality that
4 you might be getting that would be a concern, so if it
5 doesn't directly affect the enrollment or the
6 placement or the academic success of the students I'm
7 not sure it would be transferred. I think provisions
8 could be made, certainly to respect the privacy and
9 confidentiality laws. And we're not -- we're not
10 trying to run afoul of those. And again, that might
11 be an area where we would need to nuance this so to a
12 certain extent with some rule making.

13 REPRESENTATIVE MANTZ: Thank you.

14 CHAIRMAN ROEBUCK: If there are no further
15 questions, thank you very much.

16 MR. MASTERS: Thank you.

17 CHAIRMAN ROEBUCK: I understand we've been
18 joined by Senator Robbins, if you'd like to just
19 introduce yourself.

20 SENATOR ROBBINS: Thank you.

21 CHAIRMAN ROEBUCK: I'd like to then call up
22 the next group of testifiers, Candace Wheeler, deputy
23 director government relations National Military
24 Families Association; Joseph York, director of
25 military family program U.S. War College, and Susan --

1 MS. WUESTNER: Wuestner.

2 CHAIRMAN ROEBUCK: -- Wuestner, military
3 parent and teacher.

4 I also would like to note that we do have
5 with us Ed Kriner who is the deputy -- who is -- who
6 can answer any defense questions, is representative of
7 the Department of Defense. Thank you.

8 MS. WHEELER: Mr. Chairman and members of
9 both committees, first of all, I would like to thank
10 you for the opportunity to testify on behalf of the
11 Interstate Compact For Educational Opportunities for
12 Military Children.

13 My name is Candace Wheeler, as was
14 mentioned, and I am the deputy director for government
15 relations for the National Military Family
16 Association. We are a nonprofit organization that has
17 been in existence for nearly 40 years, and we advocate
18 on behalf of all seven uniform services and their
19 families. And I am also, in addition to that role, I
20 am a military spouse. My husband was on active duty
21 service in the Air Force for 26 years, and we have two
22 children that have actually personally experienced a
23 lot of what the compact deals with.

24 And one of the things that I'd like to start
25 with is that Mr. Rick Masters did talk about what the

1 compact actually holds. But what this panel would
2 like to do is talk more in terms of the challenges
3 that military children face when transitioning, how
4 the interstate compact will actually help alleviate
5 many of these challenges, and why it is important that
6 Pennsylvania sign on to this compact now.

7 So with that, I'd like to start and talk
8 about a little bit that I think most of you know that
9 military life-style is a transient life-style. We do
10 move constantly, every two to three years. And for
11 our children, they often are moving from school to
12 school. Many of them will experience going through
13 two to three different high schools during their
14 career. And oftentimes they are in six to nine
15 different schools over the length of their school
16 career.

17 To give you an example, our daughter was in
18 five different schools in the seven years you count
19 for elementary school, when you count kindergarten as
20 well. And this is not an uncommon occurrence. One
21 parent wrote and told us that as, you know, moving in
22 the military is our way of life. We are transitioning
23 on a continual basis. Our children have to pick up
24 and start over again and again. They leave friends
25 behind and try to make new ones as -- at their new

1 location. My daughter has attended a different school
2 every year since the fourth grade, and she is
3 currently in the tenth.

4 So this is not an uncommon occurrence that
5 we see with military families. What is changing or
6 what has changed since the first Persian Gulf War is
7 we have an increased ops tempo as well, meaning more
8 and more service families are having a service member
9 deployed during this time period. And so many
10 families are going through the normal transitioning
11 period, but also lay on top of them deployment, either
12 they may be transitioning without their service member
13 or getting ready for a deployment on top of that.

14 So this is adding to the stress that
15 children feel. And school and education is very
16 important to military families. It grounds them.
17 It's the first thing we do, honestly. It's the thing
18 we do in advance. Where we live has to do with what
19 schools our children will go to. So we look at these
20 things in advance. We will even consider being
21 separated from one another in order to make certain
22 that our children have the best education available to
23 them and a consistent education. So we do place a
24 high priority on education.

25 But one of the things that we see is that

1 children are going through transitions anyway. And as
2 we go from elementary to junior high to high school,
3 you have the normal type of transitions that children
4 have, such as the fact that as they're in the teen
5 years we find those are very difficult anyway.

6 So think of a child, now, who has moved and
7 they are 13 years old and starting middle school and
8 not only a new school but a new state. And now mom
9 and dad are getting ready to deploy on top of that.
10 And they're lonely; they're angry; they're trying to
11 deal with all of these emotions, and now you lay the
12 educational problems on top of that. And this is not
13 just a concern for our children. It's a concern for
14 the entire family. It impacts all of them, to include
15 the service member who oftentimes, if they are
16 deployed, is trying to do their job in harm's way.

17 So education affects not only the child but
18 the entire military family. And that's something that
19 we address when we think about some of the transition
20 issues that have been talked about in the compact. I
21 think Rick did mention them, but specifically they
22 deal with kindergarten start age, participation in
23 extracurricular activities, immunization, timely
24 transfer of records, placement in appropriate courses,
25 missed or redundant entrance or exit testing, and

1 support for children of deployed service members, and
2 an emphasis on on-time graduation.

3 We have heard -- NMFA has been hearing from
4 a lot of our families, and first of all this is good
5 news for our military families, and this is not a new
6 problem. I think the military communities has not
7 always been our best champions. But we are learning
8 to be better champions for ourselves, especially when
9 it has to deal with our children.

10 And we've had parents write in and tell us
11 how they feel this will be helpful. I have included a
12 few of those narratives in the testimony that's in
13 front of you. I will not read them for the sake of
14 time. But I will bring a point up, a personal one,
15 that our son went through. And this really, I think,
16 hits home the whole idea of being a good sending and a
17 good receiving state. What we mean by that is
18 Pennsylvania may do many, many things right. But you
19 have taken on one of the our military children. And
20 as -- when they're here in your state receiving
21 education and your resources, we would like to see you
22 protect that as you send them to another state.

23 We were actually here at the Army War
24 College between 2000 and 2001. And after that period
25 of time, we were sent to -- my husband was working

1 down at the Pentagon. And we ended up living in the
2 Fairfax County area of Virginia. When we arrived --
3 our son had already been in the gifted and talented
4 program here in Pennsylvania. When we arrived in
5 Fairfax County, and maybe some of you know that
6 Fairfax County is an excellent county for school, but
7 they also do have a very high opinion of their
8 education, as does every school area, from what we
9 find, and rightfully so.

10 But what we found was they were
11 second-guessing the fact that our son had been already
12 in a gifted and talented program, and they wanted to
13 test him again before putting him into that program.
14 Our feeling was, he'd already been tested in
15 Pennsylvania; he'd already been in the program. But
16 instead of putting him in right away and retesting
17 him, which would have been appropriate -- we certainly
18 wouldn't have wanted to keep him in that if he wasn't
19 up to the challenge, but instead, he lagged behind.

20 So eventually paperwork caught up, they
21 decided to test him, he was put into the gifted and
22 talented program. The following year we actually were
23 given the opportunity for our son to go to a magnet
24 school for gifted and talented that was at another
25 elementary school. The problem for us was we figured

1 that we would be moving probably in another year. Our
2 son had already just gone to school in Pennsylvania,
3 two years in Alaska, and we did not want to send him
4 to another school.

5 Had we known this opportunity existed, had
6 they recognized the fact that he was in this program,
7 we could have put him in that elementary school to
8 start with. And so actually they had already placed
9 him in that and we had determined that we would rather
10 keep him in the regular elementary school and have him
11 in the regular classes than sending him into the
12 gifted and talented program.

13 Now, in the long run it did not hurt him,
14 but these are things that certainly could have been
15 alleviated had Virginia taken into consideration what
16 Pennsylvania had already known.

17 So that is one of the things that we see.
18 We've already heard from parents about graduation
19 requirement. And I will read just one, because I
20 thought it was excellent.

21 Our son didn't pass the last portion of the
22 TAKS exit exam. The school board does allow him to
23 walk with his class after much pressure, but he did
24 not receive a diploma. They said he could retake the
25 last portion of the test on the 12th of July. My

1 husband received short orders to take a command
2 position overseas, and he needed to be there the 10th
3 of July. After he arrived in country, we put our son
4 in school taking guitar and weightlifting because he
5 needed no credits to graduate but he needed to say he
6 went to their school. Two months later, the principal
7 saw no need for him to continue and he then graduated
8 him.

9 I understand that each state has their own
10 graduation requirements, but when a child is moved
11 their senior year, I feel like there should be -- they
12 should be allowed to stay on the course that they were
13 on. It is so difficult to have them try to make up
14 credits because of a new district.

15 And that is one of the things that is
16 covered in the compact, making certain that this child
17 actually had already fulfilled their graduation
18 requirements where they had lived, and was actually
19 having to put themselves into school. Some of what
20 we're seeing is the fact that we have a child that
21 will transition into school, let's say their junior
22 year of high school, and because they haven't taken
23 the history class that you have to take in the State
24 of Pennsylvania, they are having to retake it. And
25 this was something maybe they should have had in

1 middle school. But as a junior now they are having to
2 retake this history class, instead of perhaps taking
3 an AP class or being able to take an elective. And
4 when you're looking at your junior year of school, you
5 are certainly getting yourself ready for college. And
6 many of these children within military families are
7 going on to college. And this puts them at a
8 disadvantage as well.

9 We do place a high value on education as
10 military families. And we also place a high value on
11 service. But we do not want our children to suffer
12 for that. And we want to do as much as we can to
13 protect them and their education.

14 But we do not want to make a different
15 system where they are getting undue special
16 privileges. That is not what we're looking for. We
17 are looking for an even playing field. And this
18 compact actually helps to do that. And one of the
19 things I would like to mention to you is that with
20 Pennsylvania signing onto it now, you'll have the
21 opportunity to join 11 states that have already signed
22 on and have the opportunity to help craft some of the
23 language that is going forward. And this is a very
24 good time to do so. I think Pennsylvania has shown
25 that they are very serious about education and we

1 would welcome you to the compact. And with that I'd
2 like to transfer over to now to Joe York, who is
3 actually coming from Carlisle and from the Army War
4 College.

5 MR. YORK: Thank you, Mr. Chairman. It's
6 really nice to be able to talk to you about the
7 compact. Really what we're all in this room about
8 today is for the children. And if we can do anything
9 to further the education of our children, it be
10 military or the local community, that's what we're all
11 about.

12 Every year we transfer in 334 students to
13 the War College, every year. They come from all over
14 the world. Many are forward deployed, let's say
15 they're in Europe, to Iraq or Afghanistan. So many
16 times this lady here will be the person that moves
17 this family to Carlisle barracks. And the first thing
18 she does is she looks for Joe York and says what's
19 happening in the schools. And she's going to talk a
20 little bit about that.

21 We also have 42 international fellows that
22 come every year. And this creates a problem for our
23 local school districts because they have to have ESL
24 instructors; again, some of the records, things that
25 you talked about. Now, this is -- the transition

1 program -- problems in the military has been going on
2 for quite a while. About six, seven years ago they --
3 in Fort Hood, Texas, they formed a Military Child
4 Education Coalition, much like this compact. We ask
5 our local school districts to sign a memorandum of
6 agreement to try to make transitioning for military
7 student -- students easier. They were a little
8 apprehensive, as I can sense some of the apprehension
9 on this compact, that they were going to be locked
10 into a bunch of rules that the military was going to
11 impose on them. But really all it did was open up a
12 dialogue where we could solve the problems of the
13 student athlete coming in.

14 Carlisle holds a couple spaces. Now, if
15 they're no good, they're not going to get on the team.
16 Let's face it. They hold student government positions
17 open. South Middleton I think does the same thing.
18 So you'll find that we were able to solve these
19 problems, but they come up year after year after year.

20 When I first come in the Army, you know, we
21 used to say there's 50 different armies out there,
22 with the guard. And that's kind of the way we're
23 dealing with these 50 different states on the
24 standards of transfer and things of that nature. So I
25 think we can solve this, especially records transfer.

1 A standardization of just the standards for grades,
2 they're different from state to state. And I just
3 sent two of my kids off to Pennsylvania State
4 Colleges. And it's very, very competitive. And so
5 these families are coming in to the War College and
6 coming in to Pennsylvania, basically they want their
7 children to get higher education. All the things that
8 you're talking about today impact on that resumé for
9 them to submit to get a higher education.

10 Now, it's a two-edged sword. We owe a lot
11 of things to the State of Pennsylvania, the military
12 does. We have formed this memorandum of agreement
13 with our five supporting school districts, and I'm
14 very glad to see Dr. Sanker here is one of our
15 signatures. And we work on these problems constantly
16 to try to solve that. But if we had this overarching
17 set of -- not rules but things to negotiate from the
18 states to create a standard that at least all of us
19 would be talking about the same thing, it would help.

20 We have created transition or counselor
21 institutes. We had Carlisle counselors that had never
22 even been on the post at Carlisle barracks. So we
23 talk -- tell them to look for posttraumatic stress in
24 the kids, because they see these IEDs on TV.
25 Counselors can help these young children that are

1 seeing these things.

2 Our signatures for the memorandum of
3 agreement are CV, Big Spring, Mechanicsburg, South
4 Middletown, and Carlisle. Of course Carlisle gets the
5 bulk of our War College students.

6 Now, the Army had also done other things to
7 help with this transitioning student. We have a thing
8 called Senior Stabilization. That and unfortunately
9 with -- you know, we've been at war for seven years,
10 and every -- when you're in a deployment cycle, you
11 go, you reset, and you go again. So they're going to
12 be in that cycle. And Sue's case, her husband was
13 extended. He was one of those ones that had to stay
14 several months more. And that was completely out of
15 the blue. Who solved those school problems? But it
16 was a spouse or a family member.

17 And so we can help -- and this transition
18 counselor institute substitutes for the training that
19 teachers need, I think, what is it, Act 39 or
20 whatever. They give credit for taking courses to
21 continue their certification.

22 Now I'm just going to just tell one war
23 story because I really want to hear from military
24 spouse. I was called -- we have family readiness
25 support assistance assigned to every combat unit that

1 goes to the global war on terror. And this person was
2 stationed Fort Knox, Kentucky. And she contacted me,
3 said, hey, we have a young man in Gettysburg that can
4 you help him out?

5 Well, this son, his serg -- the sergeant's
6 deployed from Fort Knox, is in Iraq. The son is
7 staying with the grandparents in Gettysburg. He's a
8 senior. And they wanted to do a VTC. I have a group
9 of 35 families that we keep at Carlisle barracks that
10 deployed right out of school to Iraq or Afghanistan
11 that we take care of. So they'll be in this group --
12 he'll be in this group called Seminar 21.

13 I'm happy to say on this Saturday he'll do a
14 VTC with his father in Iraq. And oh, by the way, I
15 bring in PHEAA to give courses on financial aids and I
16 also do college planning because they're coming from
17 all over the world, and they're -- if they have a
18 senior, you know, they've got to pick out a college,
19 and that's very hard to do when you move state to
20 state to state. And many want to stay in Pennsylvania
21 because we have some of the finest education, higher
22 educational institutions around. So you don't know
23 what's out there in Pennsylvania.

24 You have recruiters, you have project
25 managers, you have Picatinny, Letterkenny, the navy

1 depot has enlarged because they're trying to move
2 headquarters out of the national capital region into
3 areas that are not as sensitive. And so they're
4 moving more people into Mechanicsburg. And our goal
5 is to grow the War College. Because we want more and
6 more State Department and some of our high ranking
7 civilians to go through the course, too.

8 So we're in a growth pattern. You'll see
9 more military. And what's happening is Dr. Sanker,
10 because Carlisle's pretty well built up, its outlying
11 school districts are getting many of these military
12 children. But I have to say when we look at this
13 issue, several years ago, it's unbelievable how many
14 people transition, not only military, but
15 corporations, you know. Cumberland Valley has over 30
16 percent turnover every year. So transitioning
17 children is a problem, but really a problem for us
18 because we are going to move every couple years. And
19 I'm a career military person and I was very fortunate
20 in my home of record is Missouri, but I chose
21 Pennsylvania to retire in, and my children went to
22 South Middleton, which is really a fine school
23 district.

24 And with that I'll turn the floor over to
25 Sue.

1 MS. WUESTNER: Hello and good morning. My
2 name is Sue Wuestner. And the military has brought us
3 full circle. I'm originally from Berks County. I
4 attended Governor Mifflin High School. My husband
5 attended Central York High School. I have my
6 bachelor's degree in special education from Bloomsburg
7 University and a master's degree in school
8 administration and supervision from Campbell
9 University in North Carolina.

10 I speak to you as a military spouse and
11 educator. I counted up. I took a quick look. I
12 believe we've moved at least 11 times. We have -- my
13 husband's an active duty colonel. We're stationed at
14 Carlisle barracks. My children attend the Carlisle
15 school district, which I will say does a very good job
16 with military children. There's a pretty large
17 population that comes into the district each year and
18 they're very open to dialogue and very open to taking
19 a good hard look at some of the things that need to be
20 done to help those students. So I'm very proud of
21 that school district.

22 We have three boys. And I was kind of
23 smiling to myself when the sports -- the questions
24 about extracurricular activities were mentioned. My
25 old -- or oldest son is 17. He's a senior at

1 Carlisle. We have a freshman who is 14 at Carlisle
2 also, and an 11 year old son who is in sixth grade
3 also attending Carlisle School District.

4 I think the compact is fantastic because
5 simply I think what it does is it allows an
6 opportunity for dialogue and for school districts to
7 consider concerns of parents that they don't
8 necessarily -- it's not that they don't want to think
9 about those issues, it's just that they haven't in the
10 past. So it provides districts with an opportunity to
11 stop and think and go, gee, I wonder if we're going to
12 have students transferring in that might want to try
13 out for an activity or might want to need to be
14 inducted into National Honor Society, how do we stop
15 and fit those transitioning students into that
16 situation?

17 So I think it's fantastic. I think it's the
18 best thing for children. For example, when I took a
19 look at transfer of records, which has been discussed
20 quite a bit this morning, I think about special
21 education, a child who perhaps has a handicap,
22 handicap being disability. And they're recognized --
23 let's say they go to school in Pennsylvania and they
24 start first grade and they're evaluated. It takes a
25 long time for that initial evaluation to occur. If

1 they are -- if their parents are at the War College or
2 perhaps going to be moving, as most military families
3 do, it might take that whole year for that child's
4 evaluation to finally become complete. Then they move
5 to another state. Oftentimes what happens is that
6 state will say, well, no, we need to start our process
7 over again.

8 With the compact, that child could start
9 where they need to be placed initially and then they
10 could go ahead if they feel the need to reevaluate and
11 start that process then. Otherwise, it could take up
12 two years for the child to finally end up in the
13 correct educational program.

14 So particularly with students with special
15 needs, I see this as being a very big problem for
16 parents -- for military parents who have those
17 children because oftentimes, believe it or not, school
18 districts want to start all over again in different
19 states with the way they do things. And this would
20 certainly be what is best for the child, the placement
21 in the correct classroom or perhaps the correct
22 classroom until that state can do their own
23 evaluation. So that's a lot of heartache for family
24 members. I see that often.

25 Course sequencing is another interesting

1 one. Something as simple as we came from the 172nd
2 Striker Brigade in Alaska and we moved here, my son
3 Gregory was a sophomore. And in Alaska he had
4 computer programming classes his freshman year, and
5 when he came into the Carlisle District -- again it's
6 a fantastic district with how they handle students,
7 but he wanted to take the Java programming class. And
8 that was a class that was an AP class and it was not
9 offered for students that were sophomores. And so I
10 said to the guidance counselor, well, the course work
11 is what is appropriate for him. It's what he needs
12 next. Even though it's an AP class, he's ready for
13 the course work.

14 And the guidance counselor and I spoke and
15 she contacted an administrator and they said okay,
16 that's fine. Had I not been as persistent as I was,
17 chances would have been that he would have not been
18 allowed to take that class because it was not
19 something that was normally offered for students that
20 were sophomores. And so I think, again, the compact
21 lends itself for someone to stop and say okay,
22 let's -- let's not just look at the names of the
23 classes, let's take a look at the sequence and what
24 might be best for the students.

25 Also, in course sequencing and course

1 sequencing and transferring, you have a child that
2 comes in at the high school level and Pennsylvania is
3 requiring, let's say, geo environmental as the science
4 class, but they've had Earth science somewhere else.
5 You wonder, is there really that much difference in
6 the course work that the student would have to retake
7 it or would it be possible to take a look at the
8 syllabus and maybe allow that student to take a class
9 that might be something new and something different,
10 you know, rather than just hold those requirements so
11 fast and hard.

12 The graduation requirements, I've had
13 friends whose children were enrolled in JROTC programs
14 in other states, and not all the school districts here
15 have that program, but it does count for credits. And
16 so when they become seniors sometimes they take a look
17 and say, well, you're kind of short some credits or we
18 don't have the program here, you can't transfer in.
19 And so that's, again, something else for districts to
20 kind of take a look at and to iron out and figure out
21 how they're going to work those out so the kids are
22 able to take the classes that are best for them.

23 And the extracurricular activities, without
24 repeating what everyone else has said, all three boys
25 are involved in athletics. Oftentimes what happens is

1 the students, if the military families don't move till
2 August, sometimes it's September, and what happens is
3 they miss tryouts, they miss camps, attending camps
4 and things like that. And it has not been our
5 experience here, Carlisle does hold slots open. They
6 are very positive with regards to inviting members to
7 come out and tryout for teams, to join teams, all
8 those things. And that's all fine and dandy, but
9 there are other states that a child might transfer to
10 where oftentimes tryouts are held right at the end of
11 the school year and so, you know, many children don't
12 get the opportunity to try out for a team or to become
13 a part of a team.

14 There -- again, I'd like to say I don't
15 think in most instances school districts deliberately
16 do those things. I think it's just that they're not
17 thinking in terms of there's a possibility we may have
18 a transient population coming in, a military
19 population, and so maybe we just need to stop for a
20 second and just take a look and see how if there's any
21 possible way we can fit these children in. We're
22 certainly not asking for them to make a team or to be
23 placed somewhere that they don't belong, but we're
24 definitely looking for the -- for them to have the
25 opportunity. So thank you.

1 CHAIRMAN ROEBUCK: Thank you very much. Are
2 there questions from the committee? Let me just ask
3 something that has come up indirectly which relates
4 less to the process of getting through high school.
5 But if you transfer in to Pennsylvania and then you
6 get a degree from a Pennsylvania school, does that
7 bring with it recognition of state residency for
8 purposes of college attendance?

9 MR. YORK: Yes. Basically if you -- when
10 they come on orders to the War College and they start
11 Pennsylvania -- let's say down at Shippensburg, then
12 they would get in-state tuition. Now, Senator Pippy
13 has a bill up, and I'm working with his assistant and
14 on the national level they have passed a law, now,
15 that all military -- basically.

16 MS. WHEELER: The Higher Education Act.

17 MR. YORK: Yeah, the Higher Education Act
18 that all children of active duty -- all dependents of
19 active duty military would be given in-state tuition
20 at every state. But there's going to be a six-month
21 lag there, so I think this bill, 739 that's in the
22 Senate Education Committee, we're trying to get that
23 out and I'm working with Cheryl Shriner on that. But
24 yes, and most of the state schools if they knew they
25 were military member, they would work with them to

1 give them in-state tuition, because a lot of them have
2 an ROTC contingent.

3 CHAIRMAN ROEBUCK: Okay. Thank you.

4 CHAIRMAN MELIO: Mr. Chair.

5 CHAIRMAN ROEBUCK: Yes.

6 CHAIRMAN MELIO: I was just talking with
7 Representative Steil. That's one of our problems is
8 that a lot of our colleges do not have the ROTC. I
9 was wondering if the education committee could come up
10 with some kind of situation where they could require
11 to have.

12 MR. YORK: You know, one of the -- one of
13 the -- I worked with -- we have a lot of retired --
14 it's land of full colonels over at Carlisle barracks.
15 They had a lot of colonels that retire in this area
16 because they love this area. And a lot of them have
17 stood up Junior ROTC. In fact, they just stood up a
18 Junior ROTC down at Gettysburg High School. And I
19 talked to the regional ROTC director and they want
20 more Junior ROTC contingents in the northeast.
21 Historically they've always been in the south, you
22 know. So if schools want that, I think we could get
23 them on a merit list bumped up. If Carlisle wants a
24 Junior ROTC I think Pennsylvania schools would have a
25 real good opportunity to do that.

1 And same with way with ROTC, you know, a lot
2 of the programs are expanding because we need more and
3 more officers with the continued war effort that's
4 happening. And they're really great programs. We
5 deal a lot with Dickinson and -- and my son goes to
6 IUP which has an ROTC, too.

7 CHAIRMAN ROEBUCK: Representative Rapp.

8 REPRESENTATIVE RAPP: Thank you,
9 Mr. Chairman. I just have a real quick question on
10 basically something that I asked Representative Cohen.
11 I think timelines are very critical, especially
12 transfer of records in special education in
13 particular. And one thing I would like to see is a
14 conformity of timelines. And I think school districts
15 for the most part do a good job, but if there's
16 something in writing that commits them to a timeline
17 to transfer of records -- special education laws are
18 very clear as far as IEPs, you know, as far as testing
19 and all of that. And that should be uniform
20 throughout all states under IDEA.

21 But I think for our military families
22 transferring, having timelines for a transfer of
23 records and when programs are in place and when a
24 student's schedule should be in place, especially when
25 they're in their high school years would be critical.

1 So from hearing your testimony and reading
2 it over, it seems to me that a lot does have to do
3 with timelines, because every day a student sits in a
4 classroom frustrated is a day that he is not learning
5 due to that frustration, and whether it's special
6 education or whatever. So I'm just going to ask you
7 briefly, do you see something in a uniform timeline
8 that would be good from state to state that could be
9 agreed upon?

10 MS. WHEELER: Well, within the compact
11 itself it does talk about timelines when you're
12 actually transferring records. That is written in
13 there, how many days you actually have. You can hand
14 carry records, which is what we've had to do before as
15 well until another record can be delivered. And it
16 does put into place that they have to get them
17 delivered within a certain period of time. So, yes,
18 that is in there for that.

19 Now, as far as testing them within a certain
20 period of time, what we're asking for them to do,
21 instead of even saying that you have to test them
22 within 30 days that they arrive, what we're saying is
23 please accept what the sending state is telling you
24 and make sure that you at least brought them in where
25 they were, then it's up to you to retest them. And

1 we're not trying to impose that over the top of each
2 state. But at least give the benefit of the doubt to
3 the sending state.

4 REPRESENTATIVE RAPP: Thank you.

5 MS. WHEELER: You're welcome.

6 MR. YORK: Yes, we negotiated in this
7 memorandum of agreement, I have a book they call it
8 the purple book. It's basically a book written by
9 spouses that are going to be coming to Carlisle
10 barracks and to the War College. And basically we go
11 to the school districts, what are your rules that we
12 have to comply with. And they know that up front.
13 And they can access that through the Internet. And
14 they can actually do records transfers electronically,
15 they can hand carry records. We encourage that. And
16 most of the school districts will give them records to
17 hand carry.

18 But we encourage our parents to create a
19 portfolio so that if you're in AP class, go and Xerox
20 that book that they used that AP class and bring that
21 portfolio with you. We encourage them to get tapes of
22 their football performance, get tapes if they're a
23 cheerleader and send that ahead of time. I also tell
24 the story that people grow up in Carlisle, being the
25 Carlisle band. It's a nationally known band. And

1 it's hard to get in the Carlisle band. And we were
2 able to, you know, through negotiation, say, hey, can
3 you accept -- they actually have done VTCs for us
4 where the person played the instrument and Mr. Rohrer
5 would listen to them.

6 So this is all about negotiation. And you
7 can create these timelines. It would really help us
8 if someone would do it at a higher level. We've done
9 it at the local level through a lot of work. What
10 used to be an adversary relationship and now it's a
11 negotiated -- in fact, we didn't have an education
12 meeting last year. I'm on the education committee at
13 the Carlisle barracks, because we worked these issues
14 over and over again and pretty well solved them. And
15 we do get people from Europe, you know, DOD schools,
16 Korea, Thailand, you name it. We're in 32 countries.
17 We have soldiers in 32 countries.

18 MS. WHEELER: That is one thing I wanted to
19 speak to. When the discussion about children coming
20 from overseas, this is not a myopic problem. It isn't
21 just a state-to-state problem. It isn't children just
22 coming from overseas location. But like we had said,
23 they're primarily coming from DOD schools. And so
24 when we are talking about having to deal with other
25 countries' laws, for the most part that is not what

1 we're doing. Our children attended the Department of
2 Defense schools overseas as well, and that's a common
3 thing. Very seldom are they attending a country's
4 school instead. And the Department of Defense works
5 very closely. They also have formed a educational
6 partnership directorate where they are working
7 directly with each state and to try to form stronger
8 ties.

9 So I would imagine that within that
10 directorate they will champion this issue as well.
11 But they're very much on board with the interstate
12 compact.

13 MR. YORK: And we have DOD schools on larger
14 military installations also.

15 REPRESENTATIVE RAPP: Thank you.

16 CHAIRMAN ROEBUCK: Thank you. Let me then
17 call our final panel. Dr. Patricia Sanker,
18 superintendent South Middletown School District,
19 Stuart Knade, chief counsel Pennsylvania School
20 Boards' Association.

21 MR. KNADE: Good morning, chairman.

22 CHAIRMAN ROEBUCK: Good morning.

23 MR. KNADE: I'm Stuart Knade, chief counsel
24 Pennsylvania School Board Association. We're very
25 glad to be here today. We'd like to lead off with

1 Dr. Patricia Sanker, who has been referred to several
2 times today, as well as her school district.

3 DR. SANKER: Thank you very much. I brought
4 props. As a good teacher, I want to illustrate some
5 of the memorabilia that I have from our school
6 district initially entering into a Memorandum of
7 Agreement in the year 2002. And if your staff would
8 like to share those with you, I'd be happy to do that.

9 First of all, I have a --

10 CHAIRMAN ROEBUCK: This is in addition to
11 what we already have; is that right?

12 DR. SANKER: Pardon me?

13 CHAIRMAN ROEBUCK: We already have the
14 written testimony that was --

15 DR. SANKER: Absolutely, I don't intend to
16 read the written testimony to you.

17 They can have those. I have a couple of
18 programs, copies of the program that they can look at
19 and photograph. And I also brought -- and, Stuart, if
20 you can help me here -- this is a copy of the
21 Memorandum of Agreement that we have. And when I went
22 looking for the actual agreement that was executed
23 yesterday, I couldn't find it. And I called over to
24 the War College and I said I don't have it in my
25 files. And they said it's because it's hanging on the

1 wall over here. So I don't have an executed copy, but
2 I did get a print from -- of the actual executed
3 agreement that was done and signed at a ceremony at
4 the United States War College in Carlisle.

5 MR. YORK: We also re-signed it five years
6 later.

7 DR. SANKER: I know. We just re-signed in
8 '07. Good morning, Mr. Chair and members of the
9 committee. My name is Patty Sanker. I am the
10 superintendent of the South Middleton School District
11 in Boiling Springs, Pennsylvania. And I have been
12 superintendent there at this wonderful district for
13 ten years.

14 I'd like to speak to the fact that I'm very,
15 very proud to be one of five school districts that
16 entered into a memorandum of agreement in 2002 with
17 the Military Child Coalition.

18 I looked on the website for the Military
19 Child Coalition yesterday and noticed that there are
20 now six school districts in Pennsylvania, with the
21 addition of Pocono Mountain, who are now members. So
22 we have six school districts in Pennsylvania who have
23 entered into this coalition. In 2002, my neighboring
24 school districts of Big Spring School District in
25 Newville, Pennsylvania; Carlisle School District in

1 Carlisle, Pennsylvania; Cumberland Valley School
2 District in Mechanicsburg; and Mechanicsburg School
3 District in Mechanicsburg, Pennsylvania; and the South
4 Middleton School District in Boiling Springs,
5 Pennsylvania, the five of us entered into the Military
6 Child Coalition agreement in 2002.

7 This was an initiative of Mrs. Marianne
8 Ivany. She was the wife of the general who was
9 stationed at the United States War College at the
10 time. And as a lot of first ladies do, they bring an
11 initiative that is something near and dear to their
12 hearts as what they're going to do during their
13 husband's tenure in office. And at the time
14 Mrs. Ivany was very passionate about this particular
15 issue, because she had four children who had gone
16 through many, many schools as her husband was
17 transferred throughout his career.

18 So she approached us about this idea of
19 entering into a memorandum of understanding, or
20 agreement, so that we could ensure that all of our
21 students were given the very best care when they are
22 transferred to our school district.

23 And I'm very proud to say that we did enter
24 into that agreement in 2002, and in November of 2007
25 we re-signed that agreement for another five years.

1 I did a lot of research in preparing my
2 remarks for today because I wanted to make sure that
3 what we were doing in our school district was -- I
4 wanted to see the differences on how we handle our
5 military children and how we handle our other transfer
6 students who come into the school districts. And when
7 I spoke with my counselors at the schools, they said,
8 Patty, we don't treat them any differently than we
9 treat our other children. We treat them very, very
10 well.

11 And I'd like to say that we have a
12 uniformity in our district of all students who
13 transfer into our district that we help them to
14 transition into our district to the best of our
15 ability.

16 It doesn't matter whether they're military
17 children or they're children from another family who
18 has relocated to our district. We do the same things
19 for them. We help kids. That's what schools do. We
20 recognize the difficulties that children have moving
21 into our school districts from other areas. We look
22 at credits and we really make every attempt possible
23 that courses are not duplicated, that we recognize the
24 example was given, a student who is gifted, that we
25 recognize those scores from another state and that we

1 place those children appropriately in our district.
2 By law we must recognize an IEP from another school
3 district or another state. That's federal law. And
4 we do everything possible to make sure that these kids
5 are acclimated to our schools as easily as possible.

6 We've spoken today about PIAA regulations.
7 What if they move in and they've missed the first day
8 of football camp? What happens if they haven't had
9 their physical? What do we do here? My athletic
10 director says we take care of those kids, we'll even
11 help find a physician to get a physical so that they
12 can start out with the team. It doesn't matter that
13 they didn't go to football camp this summer with the
14 team, and it doesn't matter that they didn't start the
15 first day of practice on the second Monday in August
16 like all teams do in Pennsylvania. We'll do what we
17 can to get that child on the team.

18 We recognize that military children bring a
19 richness of experience to our district that our
20 students normally don't have. Many students in our
21 small town have never met children from -- who have
22 been stationed in Alaska, or children who have been in
23 Guam. This is their first experience to meet children
24 who have travelled internationally. So we welcome
25 these children, because they bring a richness to our

1 student body that many of our students don't have.

2 When I tell you that we're affiliated with
3 the United States Army War College because we are
4 located less than ten miles from there, I want you to
5 understand that although most of our military
6 children's parents are affiliated with the Army War
7 College in one way or another, we also have military
8 children whose parents are in the National Guard, we
9 have a family whose parents travel from the Carlisle
10 area to Fort Indiantown Gap every day to work. We
11 have parents who travel to the New Cumberland Army
12 Depot and we have parents who travel to the navy depot
13 in Mechanicsburg. I also have a set of -- a military
14 family whose parent drives to Washington, D.C., from
15 the Carlisle area.

16 So not all of our children are specifically
17 affiliated with the U.S. Army War College, although
18 the majority are.

19 I went back to statistically look at how
20 many children come to us who are military families.
21 We are a very small school district. South Middletown
22 enjoys a student population of 2200 students. We are
23 one county school district in the county of
24 Cumberland -- one township school district, excuse me,
25 in the South Middletown Township in the Cumberland

1 County, 51 square miles. Our school district borders
2 the township.

3 In the 2200 student body, we have this year
4 29 students who are affiliated with military families.
5 Last year we had 36 students who are affiliated with
6 military families. For a small school district,
7 that's a lot.

8 Of these children, we also have some
9 international students. And these international
10 students are children of international fellows who are
11 attending the U.S. Army War College School University
12 for one year. And those children come from Kuwait and
13 Afghanistan, Taiwan, Pakistan, Poland, Saudi Arabia,
14 Lebanon. Those children also bring a large richness
15 in culture to our school district. My remarks,
16 however, with relation to the Military Child Coalition
17 deal with our children of the United States military.
18 Those are whom I'm addressing specifically because
19 those are the parents who are transferred over and
20 over and over again.

21 We take very good care of them. We have
22 this agreement with the Military Child Coalition, but
23 I want you to understand that if we -- even if we had
24 never signed this agreement we would still be doing
25 what we need to do to help those children be

1 successful in our school district. We do
2 electronically send records back and forth. Often the
3 records arrive before the families have even located
4 in the district. We do have on our website all the
5 enrollment forms you could possibly need that could be
6 downloaded by any parent who's looking to transfer in
7 to our district, and they could walk in with all that
8 information completed.

9 If for one reason or another we don't have
10 someone's records, we'll look at a report card from
11 the previous year. A lot of times parents bring in,
12 physically carry report cards. That will at least
13 give us a head start on getting a schedule together
14 for the kids. An IEP is often one that the parent
15 will bring their copy in until we get that copy from
16 the other school district. We'll look at it. It's a
17 legal document. We'll honor it. Are we going to
18 retest these children? Not if we can see that they
19 were just recently tested. The kids don't need to go
20 through that kind of testing again.

21 What I'm saying to you is regardless of
22 whether we sign a piece of paper, we're doing right by
23 the children who enter our school districts. That's
24 our job. We're not here to make it hard for kids.
25 It's not their fault their parent got transferred. We

1 welcome them. We think it's a great opportunity for
2 our kids, and as we said earlier, what wonderful
3 experiences they bring to our student body. I can't
4 think of one situation in which we haven't bent over
5 backwards to make sure that these kids are members of
6 our student body and active and happy.

7 Our counselors work with them. I gave you a
8 list in my testimony of the type of activities that we
9 do in transitioning our students in and transitioning
10 our students out of our school district. I have to
11 believe that this is the norm. I'd like to think that
12 our counselors are doing this across the state. I
13 can't tell you that for sure. I do know that our
14 counselors attend meetings at the Army War College
15 that they set up to help to transition them in. Our
16 counselors are very cognizant of the needs of the
17 military child.

18 The reason that I'm speaking to you today is
19 because I want to make sure that you understand that,
20 yes, there may be some anomalies out there in which
21 some military children have had an experience that was
22 not as welcoming as it should have been, but I want
23 you to think that the norm across the schools in
24 Pennsylvania is that we welcome the children and we
25 help those kids transition into our student body.

1 Thank you.

2 MR. KNADE: Good morning. Again, I'm Stuart
3 Knade and I appreciate the opportunity to give you
4 some thoughts. I get to kind of be the bad guy here
5 because I want to throw on a yellow light with regard
6 to this.

7 Pennsylvania School Board's Association
8 should come as no surprise to you to hear that we
9 regard regulation from above restrictions on the local
10 solutions to things with some degree of wariness, and
11 as all citizens probably should.

12 In this case, we're not talking about
13 regulation from a state or from the federal
14 government, but, in fact, the surrender of some of the
15 Commonwealth's sovereignty to a contractually created
16 commission that would have the power to issue
17 regulations that would supersede even statutes enacted
18 by the -- our General Assembly.

19 So that's a whoa kind of moment. Do we
20 need -- do we really need to do this? Is this the
21 right vehicle. Let me be crystal clear about one
22 thing. The Pennsylvania School Boards' Association
23 strongly believes in the kinds of solutions that
24 Dr. Sanker has described and strongly believes that
25 the children of military families should not have to

1 encounter disadvantages of the kinds that we've heard
2 some of the people describe. Let's not have any
3 question about that.

4 The question that we ask is is there
5 anything about the things that the proposed compact
6 proposes to address that we're not already doing in
7 our Pennsylvania statutes and regulations of the State
8 Board of Education and the regulation of the
9 Department of Health or that we couldn't do with some
10 minor tweaking of those things. We've heard -- I've
11 been waiting to hear somebody, not necessarily hoping
12 I'd hear it, but waiting to hear somebody talk about
13 the bad experiences in Pennsylvania. And maybe there
14 have been some, but we're -- it doesn't look like our
15 laws are creating these obstacles that local officials
16 can't work -- you know, that they are putting local
17 officials in a position where they can't work with the
18 military families that are coming in.

19 Obviously when you deal with those kinds of
20 situations you do have to come up with -- sometimes
21 have to come up with unique solutions. And in my own
22 28 years of military service I worked with thousands
23 of soldiers over the years helping them with their
24 legal problems or legal issues that affect their
25 families, helped the Pennsylvania Bar Association

1 design a training program for attorneys to help them
2 become more familiar with some of the issues that
3 particularly impact military families. So we
4 understand that it's important to be able to do that.

5 But I think the question is, is the
6 surrender of sovereignty under a compact really the
7 way to do it, or should we do what we're going to do,
8 need to do anyway, which is to do a -- to really make
9 sure we have a complete list of all of these state
10 statutes or regulations, administrative regulations
11 that would be trumped by the provisions of the compact
12 or the future regulations that the compact commission
13 would do so that we know, we know where the conflicts
14 are going to come into play, where the inconsistencies
15 are going to be, where to tell the school officials,
16 okay, your formal way of doing business doesn't apply
17 here, you have to follow this set of rules instead.
18 And if we're going to do that, why not just simply
19 tweak these rules to make sure that we're doing what
20 we have to do? This is one way to approach it.

21 So we think that's a question that needs to
22 be asked and answered. And I haven't really heard the
23 answer to that today. A problem in Pennsylvania, is
24 there any problem in Pennsylvania that we haven't
25 already solved or couldn't pretty easily solve without

1 necessarily binding ourselves to an interstate
2 agreement that has a financial im -- you know,
3 financial obligation that's come along with it, you
4 know, and a commission that can sue us if we don't
5 comply with rules they haven't even promulgated yet?
6 This is the wariness that I described earlier on.

7 I think the second part of our concern is
8 that we see some problems in the wording of the
9 compact that are troubling to us. And it would be
10 very nice -- if we were going to enter in the compact,
11 we think it would be very important if we had the
12 opportunity to fix that. But one of the questions is
13 can we do that? And maybe Mr. Walker's in a better
14 position to answer that question than I, but I'm not
15 sure you can vary the terms of a compact. All the
16 material I've read about it, including the resource of
17 materials from Council of State Government, you have
18 to adopt the identical language that's presented to
19 you or you're not in. I don't --

20 MR. MASTERS: It's not -- I can answer that
21 if --

22 MR. KNADE: In any event, I'll just give you
23 an example, are the Title 10 of the United States Code
24 sections referred to on Page 3, Line 11, are not
25 sections that have anything to do with the definition

1 of who active duty people are. They're basically
2 errors. They're erroneous. North Carolina tried to
3 fix those and made some other changes when they
4 adopted the compact a short time ago.

5 A similar problem that we see is the
6 definition of military families talks about the school
7 age child in the household of an active duty member,
8 which sort of raises the question of it's
9 applicability to these children in a very
10 frequently -- frequent situation which is referred to
11 earlier with the student in Gettysburg, who are
12 temporarily or for some period of time not in the
13 household of an active duty member. And there are
14 some other examples.

15 We are troubled by the regardless of age and
16 enrollment requirements that appear in the compact,
17 Page 8, Line 16 and 20, because we understand that the
18 thinking may have been the minimum age required for
19 enrollment, but we also in Pennsylvania have a maximum
20 age of 21 for entitlement to school -- free attendance
21 privileges. And the way the compact is written it
22 would trump that, which I don't think is a result that
23 we would find desirable and doesn't seem to be
24 justified by the -- by the unique kinds of challenges
25 that military families encounter.

1 It's possible that there may be a better
2 answer to my question before that helps with that, and
3 I'd be interested to hear that.

4 Without going over all the points that are
5 made in the written testimony, which you have before
6 you, I also wanted to mention a couple of things
7 regarding the questions that have come up earlier.

8 The disciplinary records question is
9 addressed in the language of the compact, Page 3,
10 Lines 29 to 30, where there's a reference to
11 disciplinary records in the definition of educational
12 records required to be transferred.

13 Also, the question about the diploma being
14 issued by the former school system in the case of a
15 transferring student is limited to people transferring
16 at the beginning of or during senior year, and that's
17 specified at Page 12, Line 17. And I don't recall who
18 asked those questions, but I was trying to make a note
19 of them.

20 And I agree with the comment I think I heard
21 earlier that special education statutes, Individuals
22 With Disabilities Education Act, already requires
23 people to implement an IEP already in place until such
24 time as there appears to be justification for --
25 justification for re-evaluation or change in the IEP

1 through the administrative due process process. Now,
2 that procedure may differ from state to state, but
3 there are statutes in place and to the extent that
4 military or other transferring families are
5 encountering school systems that say, no, we're not
6 going to implement until we have a chance to go
7 through the testing process, would suggest those
8 situations are already in violation of existing
9 federal statutes and would violate our own state
10 regulations regarding the incoming transferring
11 special education students.

12 I guess to conclude, you know, we have two
13 basic questions. You know, the need, the problem that
14 we're trying to solve in Pennsylvania, our kids who go
15 to other states are going to benefit from the
16 provisions of the compact whether or not we're in it.
17 I don't see anything in the compact that would limit
18 the treatment under the provisions of the compact to
19 only military kids coming from states that are also
20 members of the compact. Is it the right vehicle?
21 We -- in order to do -- we are in a better position to
22 serve those needs if we have only a -- only our own
23 adequate rules rather than two things that might
24 create confusion and inconsistency, if there's an
25 overlay from the compact requirements on top of our

1 existing statutes and laws; and then the catch 22 of,
2 you know, we're faced with a compact that has some
3 provisions in it that are troubling. And do we have a
4 way to fix those, is that even something we can do,
5 because we certainly should if we do. With that, I'm
6 open to your questions and I appreciate your
7 attention.

8 CHAIRMAN ROEBUCK: Thank you. Questions?
9 Representative Rapp.

10 REPRESENTATIVE RAPP: Thank you,
11 Mr. Chairman. I have some comments. Just so you
12 know, I am a former military wife who moved several
13 times in that short military experience. I also
14 served for many years as an advocate for children with
15 special needs. So, yes, we do have a wonderful
16 federal legislation, IDEA. Does that mean that school
17 districts always comply to those timelines and to
18 those laws? No. That's why we have specific due
19 process proceedings for parents to follow with IDEA as
20 far as their rights when school districts are not
21 compliant.

22 Superintendent Sanker, I applaud you, you
23 know, for what you are doing in your school district.
24 It sounds like, and the information that you have,
25 that your specific school district is doing everything

1 you can to try and help meet the needs of our military
2 families. And I -- you know, just the fact, Mr. --
3 I'm sorry, is it Knade?

4 MR. KNADE: Knade.

5 REPRESENTATIVE RAPP: The parents are here
6 raising this issue, parents, because it's usually
7 parents who know that there is an issue, says to me
8 there is an issue. Maybe not with this particular
9 school district, but certainly probably across the
10 State of Pennsylvania I'm sure there's one family
11 who's probably had this issue, whether it's a problem
12 obtaining records or a Pennsylvania school district --
13 let's say there's, you know, 500 of them, minus one --
14 that's not sending records in a timely fashion. So if
15 there's one student out there that we need to correct
16 the problem, we need to correct the problem.

17 Now, is this compact the answer? I'm not so
18 sure. I think we need some more discussion on it. I
19 applaud Representative Murt and Representative Cohen
20 as far as bringing -- and the families, bringing this
21 issue to our attention. If there's any families that
22 we need to help in this United States, it is our
23 military families whose husbands, wives, fathers, and
24 sons are willing to go wherever in the world, to
25 sacrifice their very life and lay down their life for

1 their brother, their family, their country. And if
2 they have a child that we are not educating and
3 accommodating in this Commonwealth, we need to address
4 the problem. And it is the families of this
5 Commonwealth that will bring those issues to this --
6 these three committees and others. And if they are
7 bringing an issue to us that we need to address, we
8 need to address it.

9 And that, sir, is how I feel. No offense to
10 PSBA, but if you're going to ask me to choose between
11 PSBA and the military families, I'm going to go with
12 the military families. Thank you for your testimony.
13 I appreciate your concerns. And but I do believe that
14 this will probably take some more conversation as we
15 take a look at the legalities of this compact. But if
16 there's something missing in ways that we address the
17 education of our military families, we need to do it
18 in this Commonwealth.

19 MR. KNADE: Well, Representative Rapp, you
20 certainly won't hear any argument about that from me
21 or the School Boards' Association. And that is
22 certainly not our point. And we also applaud the
23 people who got the conversation going. And what our
24 bottom line point is that we need to take a careful
25 look at a number of things, including existing

1 framework that we have within the state. And that --
2 in my interest in hearing specific scenarios of
3 problems that people have encountered in Pennsylvania,
4 not in Oklahoma or Virginia or other places, is aimed
5 at helping us pinpoint where the gaps are in what we
6 have on the books already in Pennsylvania.

7 REPRESENTATIVE RAPP: But I guess I take
8 offense when you say that there is no evidence from,
9 you know, the school districts. Well, I don't see
10 that the school districts would actually say, oh, yes,
11 we have, you know, Z, Y, and Z families and they're
12 complaining about this issue. That's why I say that
13 the issue will always come from families and parents,
14 not necessarily that the school districts are always
15 going to identify those issues and bring them to the
16 table.

17 MR. KNADE: We did try to -- we did look for
18 that kind of information. We asked committee staff
19 about it to say, okay, please, what are you hearing?
20 And we asked our own members about it, and that's all
21 the point I was making.

22 CHAIRMAN ROEBUCK: Representative Steil.

23 REPRESENTATIVE STEIL: Thank you,
24 Mr. Chairman. I have two questions. First for
25 Dr. Sanker, as a practical matter, is there any real

1 difference in the transfer of a military dependent
2 student as opposed to the transfer of any other
3 student for corporate purposes or anything else coming
4 from -- and I guess I relate that specifically to the
5 comment I think of your athletic director who said
6 that we treat every student the same. So the bottom
7 line is if there's, as a practical matter, no
8 difference, should there be a difference? Are there
9 differences between the transfers of students of
10 military parent as opposed to the students that come
11 from normal corporate activities or anything else?

12 DR. SANKER: I believe that there shouldn't
13 be a difference. The only difference would be maybe a
14 timeline, if they missed a physical or they missed a
15 tryout, that we try to accommodate those children who
16 by making sure they have a physical at the time or
17 giving them another opportunity to try out for that
18 particular sport.

19 I do want to caution that if I made
20 exceptions for military children and didn't make
21 exceptions for an executive transfer, then I think we
22 have a double standard. So I -- I think in fairness
23 that we try to do it for everyone.

24 REPRESENTATIVE STEIL: Thank you. And,
25 Mr. Knade, my question goes, and I appreciate your

1 yellow light, your cautions. They are things that we
2 have to be concerned with. But my question goes to if
3 for some reason this compact didn't exist, there was
4 no compact, and yet we as a legislative body and the
5 School Boards' Association desired to have a standard
6 by which we treated and accepted military students and
7 other transfers, wouldn't we have to adopt legislation
8 that ensures consistency among the 501 school
9 districts regarding the treatment of those transferred
10 students? Wouldn't we have to do it anyway, even if
11 we didn't have a compact?

12 MR. KNADE: I think the answer to that
13 question would depend on what the specific ouch point
14 was that we were talking about, the specific obstacle
15 or disadvantage that was being created by something
16 that's missing. And that's kind of the struggle that
17 we're -- we've been having with this issue is trying
18 to say, okay, where are those ouch points under our
19 existing structure. But it could very well require
20 legislation. It might simply be a regulation tweak
21 from the state board of education. It might be that
22 we find that the issue is one of people's
23 understanding and not whether or not we have what we
24 need on the books.

25 REPRESENTATIVE STEIL: So I guess the bottom

1 line then is that even if for some reason we didn't
2 join the compact, we still would have to do the
3 legislation that ensures consistency of standards.

4 MR. KNADE: Absolutely. And I think this
5 conversation, this process, that would be a very
6 important outcome of this process, whether or not we
7 enter the compact is to review what we have to make
8 sure we don't set up an inconsistent overlay and that
9 we reconcile what we have with the standards that
10 we've chosen to adopt via the compact or otherwise.

11 REPRESENTATIVE STEIL: Thank you,
12 Mr. Chairman.

13 DR. SANKER: If I could add, if I could add
14 to that response, Secretary of Education often sends
15 the superintendents e-mails, letters, reminders of
16 things that he'd like completed and so forth.
17 Sometimes just an e-mail from him as a reminder of
18 what our obligation is to our children and
19 specifically to our military children, specifically
20 right now but at all times, that's a very simple way
21 of handling a reminder to the superintendents of
22 whatever our obligations are and to speak to our
23 counselors, speak to our principals, make sure that
24 we're doing everything that we can do to help the
25 military children.

1 We just received an e-mail reminding us that
2 many of the national -- there's a large deployment of
3 National Guard coming up. And that we needed to be
4 cognizant that this was going to happen and that we
5 would have a lot of parents who would be leaving their
6 children and disrupting their children's lives and
7 could we please make our staff aware that this
8 deployment's about to happen. I just received that
9 e-mail last week from the secretary. So this is not
10 uncommon for the secretary to e-mail us specifically
11 about topics, and this could be one topic that he
12 would handle.

13 MR. KNADE: And we also send out those kinds
14 of things. I mean, one of the issues that's going to
15 come along with that is a lot of children who pursuant
16 to military family care plan is going to be placed
17 temporarily with somebody they're not used to living
18 with.

19 CHAIRMAN ROEBUCK: Representative Cohen.

20 REPRESENTATIVE COHEN: Thank you,
21 Mr. Chairman. I assume the Pennsylvania School
22 Boards' Association is not very happy with the No
23 Child Left Behind law.

24 MR. KNADE: You could say that.

25 REPRESENTATIVE COHEN: Yeah. And that's a

1 big intrusive federal --

2 MR. KNADE: It certainly -- it certainly was
3 a sea change.

4 REPRESENTATIVE COHEN: -- statute. And here
5 we're talking about this minimalistic national program
6 that costs \$650,000 a year and the School Boards'
7 Association across the nation does not require any
8 hiring of additional staff in Pennsylvania and the
9 School Boards' Association is so adamant against
10 regulation on this very minimalistic standard that
11 it's going to oppose it.

12 It frankly seems to me that if you're going
13 to oppose minimalistic common sense regulations like
14 this, you're making much greater intrusions
15 inevitable. If you're saying seriously that anything,
16 no matter how small, is a great threat to local
17 autonomy and the School Board Association has to stand
18 in the way of it, you're making stuff like No Child
19 Left Behind absolutely inevitable.

20 MR. KNADE: I'm not sure I detect the
21 question there. I apologize for that.

22 REPRESENTATIVE COHEN: If you want to
23 comment you can, but it seems -- this is an attempt to
24 operate the scale. It's not a belief that this is a
25 terrible major problem requiring vast expenditure of

1 state resources. And we were talking about very, very
2 little state money here. You know, if a single school
3 district hires a new teacher this year it will
4 probably cost more state dollars than this whole
5 statewide program. You know, I really think that
6 taking a position even as small, minimalistic program
7 like this is a threat to you just raises questions of
8 responsibility and common sense on the school
9 district's part. You know, I think -- federal
10 government could easily pass a law setting forth a
11 whole series of mandates which will cost more than the
12 statewide costs of this. If they pass a law requiring
13 the hiring of a single new employee in the State of
14 Pennsylvania, that will cost more than this program.

15 MR. KNADE: I certainly couldn't argue with
16 that. Our wariness has as much to do with the vehicle
17 that we're talking about and fact that we -- there's
18 the potential for regulations that we don't even -- we
19 haven't ever seen a draft of yet coming from a
20 commission that would be imposed on us.

21 REPRESENTATIVE COHEN: And if the federal
22 government passes the law there's potential for other
23 regulations coming down from the federal government,
24 and those regulations will be a lot more sweeping than
25 anything that can come out of an interstate compact.

1 MR. KNADE: That's frequently the case, yes.

2 REPRESENTATIVE COHEN: And an interstate
3 compact, the state can withdraw with one year advance
4 notice if they feel aggrieved by the compact, and you
5 can't withdraw from federal government without
6 creating a civil war. And I know don't know of any
7 federal program setting forth regulations which the
8 regulations are optional. Sometimes they're choices
9 within the regulations, the states don't -- generally
10 don't have -- it's very, very rare the state would
11 have the option of being totally excluded. And I
12 would urge you to reconsider your position.

13 MR. KNADE: We're asking for further study
14 of this. That's really what our position is.

15 REPRESENTATIVE COHEN: Thank you.

16 REPRESENTATIVE MANTZ: So would it be
17 accurate or fair to capsule -- to characterize the
18 PS -- Pennsylvania School Boards' Association position
19 as being -- as being that Pennsylvania's entry into
20 such a compact is, number one, unnecessary; two,
21 probably violative of Pennsylvania's constitution; and
22 number three, if Pennsylvania does join, potentially
23 obstructive to its school boards --

24 MR. KNADE: I'm not sure --

25 REPRESENTATIVE MANTZ: -- addressing the

1 perceived needs of transitioning students into the
2 school districts?

3 MR. KNADE: I think to the extent that
4 the -- that there -- some of what I see as drafting
5 flaws in the compact could be potentially hampering
6 our ability to actually serve the children of military
7 families in the ways that -- we can always go above
8 and beyond, but I think whenever you set up some
9 ambiguities and inconsistencies it creates that
10 potential. But I -- you know, the general intent of
11 the compact certainly I don't think is on instructing
12 what school boards typically try to do or school
13 districts typically try to do, as Dr. Sanker
14 describes.

15 REPRESENTATIVE MANTZ: I ask that in view of
16 the statement at the bottom of the allegation, the
17 assertion at the bottom of Page 46, your statement
18 that to the extent anything more is needed in our
19 Commonwealth PS -- Pennsylvania School Boards'
20 Association believes that Pennsylvania could do a more
21 effective job of addressing those needs on its own
22 without the distractions, limitations, potential
23 conflicts of law and the funding obligations that
24 would come along with a compact membership, it is
25 inevitable.

1 MR. KNADE: I think that's true. I think
2 any state could do a more effective job on its own if
3 it had the will to do that and the -- and the -- and
4 in fact got the job done. Now, it's obvious that not
5 all states have done that, but what we've heard today
6 it sounds like Pennsylvania's doing a pretty good job
7 already. And that's our point is do we need to -- do
8 we need to tie ourselves to a new kind of governmental
9 structure in order to essentially replicate the
10 success we've already had?

11 REPRESENTATIVE MANTZ: And your great faith
12 in the ability of the states of the United States to
13 address all of the concerns effectively of its
14 citizens. Thank you.

15 CHAIRMAN ROEBUCK: I'd like to thank the
16 members of the committee who participated, too. I
17 want to also thank our recorder for her diligence.
18 Any other questions? If not, this hearing will stand
19 adjourned. Thank you.

20 (Proceedings concluded at 11:48 a.m.)
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.

Heather L. Artz, RMR, CRR
Notary Public