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**Vermont Legislature**  
**Senate Committee on Education**  
**115 State Street Room 28**  
**Montpelier, VT**

**Senator Brian Campion, Chairperson**

**Remarks of**  
**Christopher R. Arnold**  
**Northeast Region Liaison**  
**United States Department of Defense-State Liaison Office**

**Support of: Senate Bill S104, An act relating to the education of military families.**

**Testimony**

Mister Chair and honorable Committee members, the Department of Defense is grateful for the opportunity to support the policies reflected in Senate Bill S104, which encompass a variety of best practices expressing the Department's fullest intent for a number of our key issues affecting service members and their families: advance enrollment, and in-state tuition continuity.

I am Christopher Arnold, the Northeast Region Liaison at the United States Department of Defense-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness and the Deputy Assistant Secretary for Military Family and Community Policy. We represent the Department and establish relationships with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. I thank you for the opportunity to address you today and for your support of our service members and their families.

This bill seeks to address educational transition for military-connected dependents. Per your request, what follows is a general discussion of each of the Department's key issues in the context of this legislation.

**Senate Bill 104, § 1, Advance Enrollment**

Continuity of instruction for both in-person and virtual learning is critical for all students. The Interstate Compact on Educational Opportunity for Military Children provides opportunities for assistance during transition, but does not address enrollment timing, which was identified as an intrastate issue outside of its scope after the Compact was formed.<sup>1</sup>

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<sup>1</sup> Beth Werrell. *How Online School Works for Military Families*. Connections Academy. May 16, 2019.  
<https://www.connectionsacademy.com/support/resources/article/military-appreciation-family-resources>

Approximately 185,000 U.S. military children move between schools annually. Military service members are routinely reassigned to new duty stations in the summer, due to mission and training requirements. As a result of these summer moves, they may potentially miss their child's school registration and other important application dates that occur in the spring. Long-term negative impacts include having to shift their planned courses of study, which may require them to take courses in summer school, or even force them to graduate later than their peers.

As with most statewide K-12 education policies that set a baseline level of support, specific guidelines not prescribed within the language of the State policy are left up to districts for local implementation. Senate Bill S104 addresses this challenge by allowing military orders to be accepted as proof of residency for the purpose of enrollment in a public school by children of members of the armed forces. This approach has been identified as a best practice for advance enrollment by the Department.<sup>2</sup>

Service members typically receive official military orders detailing their upcoming assignment 90 days to 6 months prior to their move. Allowing military families to enroll their children in school, register for classes and apply for specialized programs at the same time as their peers, prior to physically arriving to their location, will help to facilitate their uninterrupted educational progress and smooth integration into their new communities, and relieve unneeded stress during their transition between locations.

With just under 3000 military school-age children attending school in this state, Vermont is in a unique position to have a positive effect on the educational experiences of military children and families by enacting the policies set forth in Senate Bill S104. As of January 2022, thirty-two states have adopted such policies.<sup>3</sup>

The intent of this policy is not to offer an advantage or priority over other students, but simply to provide military families access to educational programs and courses at the same time as their in-state peers. No new online systems are required and there is added benefit to school districts by reducing the discrepancy between projected and actual student enrollment numbers for staffing purposes.

### **Senate Bill 104, §§ 2-3, In-State Tuition Continuity**

The Department of Defense believes that a spouse or child of an active member of the armed forces assigned to duty in a state at the time of the dependent receiving a letter of acceptance should be deemed an in-state resident for purposes of determining tuition and fees, regardless of the service member's follow-on status, provided the student is continuously enrolled.

In many states including Vermont, a child or spouse of an active duty service member can lose in-state tuition eligibility if the military sponsor is assigned out of state. Considering there are

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<sup>2</sup> Statewide policies for advance enrollment mitigate an issue that cannot be addressed by the Military Interstate Children's Compact (MIC3), while also promoting consistency for all military children transferring into and out of school systems throughout the nation.

<sup>3</sup> Sharmila Mann. Ben Erwin. "Response to Information Request." *Education Commission of the States*. December 2020. Retrieved from [https://www.ecs.org/wp-content/uploads/State-Information-Request\\_Military-Child-Enrollment-1.pdf](https://www.ecs.org/wp-content/uploads/State-Information-Request_Military-Child-Enrollment-1.pdf)

over 90,000 college aged military children, the Department has placed this issue in our “Top Ten” list of prioritized Personnel and Readiness issues.<sup>4</sup>

Eligible active duty military and veterans receive in-state tuition rates at Vermont’s public colleges and universities after meeting certain residency requirements. Historically, public institutions only use terminology such as “enrolled” or “continuously enrolled” rather than “accepted.”<sup>5</sup> This causes a problem since the student that has been accepted has not yet had the opportunity to enroll and/or establish residence.

Thus, if the sponsor retires, leaves the service or has a change of station out-of-state between the student receiving the letter of acceptance and the start of classes, the student can lose their in-state status. In addition, they may not have met the requirement to become a resident in the State and are forced to pay out of state tuition rates. This causes an undue financial hardship to the military family or further limits the school choice for our military college age students.

The policies proposed in Senate Bill S104 would close that loophole, when the military sponsor receives orders for an out of state change of station for the period between the dependent student’s receiving a letter of acceptance and the start of classes. During this period that dependent student may lose in-state status without such clarification.

This act will also codify that children and spouses of active military members assigned to duty in Vermont can continue to attend public post-secondary education in Vermont as in-state residents upon the service member’s reassignment elsewhere, as long as the child or spouse remains continuously enrolled in the Vermont institution. Active duty service members often have little control over the timing or location of their assignments. The bill allows a spouse or dependent child to retain Vermont resident status for tuition when the active duty member no longer meets the State residency requirement.

This measure is advantageous to the employer market. Once graduated or certificated the beneficiaries of Senate Bill S104 would broaden the pool of prospective job seekers because they are better educated and have advanced skills, especially over someone who has not taken advantage of higher education options. As seen in other states which have implemented this policy, the bill is anticipated to have a *de minimis* impact the number of individuals who qualify for in-state tuition at public four-year institutions of higher education or community college. Thus, higher education revenues and expenditures are not materially affected.<sup>6</sup>

Currently thirty-five states have incorporated language that addresses this discrepancy. Vermont is a state that has long been a home—permanent and temporary—to the worthiest men and women in the United States military who serve and sacrifice for our country. It is only fit and

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<sup>4</sup> Military State Policy Source (Vermont). *United States Department of Defense*. <https://statepolicy.militaryonesource.mil/state/VT>

<sup>5</sup> Best Practices: In-State Tuition Continuity. *United States Department of Defense*. <https://statepolicy.militaryonesource.mil/key-issue/in-state-tuition-continuity>

<sup>6</sup> Higher Education - Nonresident Tuition - Exemption for Spouses and Dependents of Honorably Discharged Veterans. *Maryland General Assembly Department of Legislative Services* (Fiscal and Policy Note). 2020 Session. [https://mgaleg.maryland.gov/2020RS/fnotes/bil\\_0008/sb0318.pdf](https://mgaleg.maryland.gov/2020RS/fnotes/bil_0008/sb0318.pdf)

proper to favorably report the policy contained in this bill so that it may join these other states and honor such service members, their families and dependents that are or will be residents of the Green Mountain State by adoption of the policies contained in Senate Bill S104.

In closing, we are grateful to Senator Kesha Ram Hinsdale and Representative Maxine Grad for sponsoring this bill. Senate Bill S104 is impressive legislation, and the policies contained therein would make Vermont a nationwide leader in addressing quality-of-life issues for uniformed service members and their families.

Thank you for taking the time to consider these issues. As always, as Northeast Region Liaison, I stand ready to assist and answer whatever questions you may have.

Yours etc.,

**CHRISTOPHER R. ARNOLD**

Northeast Region Liaison

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