Guide for Parents, School Officials and Public Administrators

Interstate Commission on Educational Opportunity for Military Children

Table of Contents

What is the Interstate Commission on Educational Opportunity for Military Children? 3
Public Sector Impact 4
National Coordination 4
Placement and Attendance 5
Eligibility for Enrollment 5
Specific impacts on military children include 6
What parents, families and guardians should know 7
Data the school should expect the military child/family to be able to provide upon transfer 7
Responsibilities of sending and receiving schools 8
Educational and Enrollment Records 8
Graduation 8

What is the Interstate Commission on Educational Opportunity for Military Children?

The Compact deals with the challenges of military children and their frequent relocations. It allows for uniform treatment as military children transfer between school districts in member states. Each member state must adopt the Compact through legislation. Each Compact state will appoint representation to an on-going governing Commission which will enact necessary rules. The Compact calls for the development of State Councils in each member state. Each State Council may be tasked with development of policy concerning operations and procedures of the compact within the state.

The Council of State Governments (CSG), in cooperation with the U.S. Department of Defense, drafted the interstate compact to address the educational transition issues of children of military families. Since July 2006, CSG worked with a variety of federal, state and local officials as well as national stakeholder organizations representing education groups and military families to create the Interstate Compact. While the Compact is not exhaustive in its coverage, it does address the key issues encountered by military families: eligibility, enrollment, placement and graduation. The Compact provides for the uniform treatment of military children transferring between school districts and states.

Military families move between postings on a regular basis, and while reassignments can often be a boon for career personnel, they can be difficult for the children of military families. The average military student faces transition challenges more than twice during high school and most military children will attend six to nine different school systems in their lives from Kindergarten to 12th grade. The Compact seeks to make transition easier for the children of military families, so they are afforded the same opportunities for educational success as other children, and are not penalized or delayed in achieving their educational goals.

As part of the Compact, the Interstate Commission on Educational Opportunity for Military Children was established (also referred to as the Military Interstate Children's Compact Commission or MIC3). The Department of Defense continues to work with the Commission, Council of State Governments, national organizations, and state leaders to bring the remaining states on board. Member states are forming their State Councils and informing school districts of the terms of the Compact. The Commission has met annually since 2008 and is working to implement and communicate the requirements of the Compact.

Specific Impacts on Military Children

Transfer of Records

Official transcripts for military affiliated children often come from other states or overseas schools. Children are placed incorrectly because some schools refuse to accept hand-carried copies until the official version arrives. Because of the possible time lapse between entry into school and the arrival of school records, this process jeopardizes proper placement for all students and, in particular, those involved in Special Education, Gifted Education, English as a Second Language, and Advanced Placement Courses.

Course Sequencing

States have varying prerequisite course requirements that can result in thwarting students' academic advancement, repeating content or eliminating students from Honors or Advanced Placement courses.

Graduation Requirements

Graduation requirements vary from state to state. In some states, specific courses are required for graduation. The graduation of military students who transfer during their junior or senior year may be jeopardized if they are unable, due to state/local policies or scheduling constraints, to enroll in the necessary coursework.

Exclusion from Extra-Curricular Activities

Students who enroll in school after auditions, tryouts, elections and membership recruitments are often eliminated from activities that promote socialization and connectedness to their new school community. Often their skills and talents are not recognized or developed or are placed on "hold' because they are seen as transient or having arrived "too late." Organizations such as the National Honor Society permit local entrance requirements that can eliminate students even when they have been members in their previous school.

Redundant or Missed Entrance/ Exit Testing

Children who move frequently can be penalized for missing state mandated tests required to enter or exit various levels of the educational system. Tests are often specific to the state and therefore, entrance/exit tests taken in another state, are not recognized.

Kindergarten and First Grade Entrance Age Variances

Children enrolled in Kindergarten in one state may not qualify by age when transferred during the year to another state. Children who have completed Kindergarten in another state are sometimes denied entry into first grade if they do not meet the age requirement.

Power of Custodial Parents While Parents are Deployed

Due to circumstances created by military deployment, there are times when children are placed in the care of designated guardians. Legislation is needed to protect the children of these families so that they may continue to attend their school or relocate to the neighborhood school of their newly appointed guardian.

This booklet is designed to help parents, families, guardians, school officials and public officials understand the Compact and navigate issues that may arise when dealing with a child from a military family.

There may be slight variations between the model compact language and the version adopted into your state's statute.

What Parents, Families and Guardians Should Know

Students Covered Under the Compact

- A student enrolled in K-12 in the household of a full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year.
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

Students Not Covered Under the Compact

The Compact does not apply to children of:

- Inactive members of the national guard and military reserves
- Members of the uniformed services now retired not covered in the above
- Veterans of the uniformed services not covered in the above
- Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Educational and Enrollment Records

Unofficial or "Hand-Carried" Education Records

- Custodian of Records sends unofficial records to parents.
- School shall enroll and appropriately place student pending validation of official records.

Official Education Records/Transcripts

- Receiving state shall request student's official education records from sending state. Sending state's school will furnish official education records within ten (10) days or reasonably determined time promulgated by the Interstate Commission.
- Immunization: student is given thirty (30) calendar days from the date of enrollment.
- For a series of immunizations, initial vaccinations must be obtained within thirty (30) calendar days.

Kindergarten and First Grade Entrance Age

- The student shall be allowed to continue their enrollment at grade level in the receiving state, commensurate with their grade level (including Kindergarten) from a local eduation agency (LEA) in the sending state, at the time of transition, regardless of age. In the case of a Kindergarten student, the student must have been enrolled and attended class in the sending state in order to assure continued attendance in Kindergarten in the receiving state. A student that has satisfactorily completed the prerequisite grade level at the LEA in the sending state, shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age.

Graduation

Waiver Requirements

Specific required courses shall be waived if similar course work has been satisfactorily completed. If a waiver is denied, LEA shall provide an alternative means of acquiring required coursework so the child may graduate on time.

Responsibilities of Sending and Receiving Schools

States shall accept:

- Exit or End-of-Course exams. National Norm-Referenced Achievement Test. Alternative Testing.
- If the above alternatives cannot be accommodated then the sending and receiving LEA shall ensure the receipt of a diploma from the sending LEA, if the student meets the graduation requirements of the sending LEA.

Transferring Beginning or During Senior Year:

- Should a military student transferring at the beginning or during their Senior year be ineligible to graduate from the receiving LEA after all alternatives have been considered, the sending and receiving LEA shall ensure receipt of a diploma from the sending LEA, if the student meets the graduation requirements of the sending LEA.
- If one of the states in question is not a member of the Compact, the member state shall use best efforts to facilitate the on-time graduation in accordance with the Waiver Requirements and Exit Exams.

RECEIVING STATE

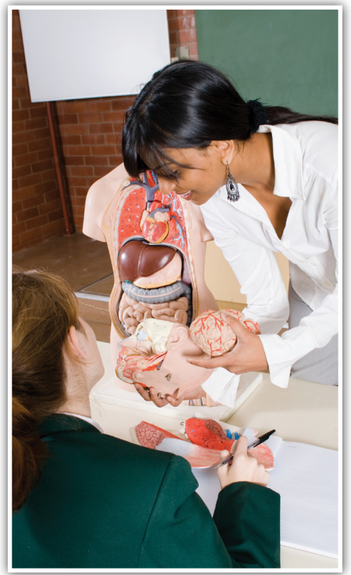
The state to which a child of a military family is sent, brought, or caused to be sent or brought

SENDING STATE

The state from which a child of a military family is sent, brought, or caused to be sent or brought

Data the School Should Expect the Military Child/ Family to be Able to Provide Upon Transfer

- Official military orders showing that the military member was assigned to the state (or commuting area) of the state in which the child was previously duly enrolled and attended school.
- If a military child was residing with a legal guardian and not the military member during the previous enrollment they will have a copy of the family care plan, or proof of guardianship, as specified under the Interstate Compact, or any information sufficient for the receiving district to establish eligibility under the compact.
- Evidence of date of birth.
- An official letter or a transcript, official or unofficial, from the proper school authority which shows record of attendance, academic information, and grade placement of the student.



Placement and Attendance

Course Placement
Receiving school shall honor placement based on student's previous enrollment and/or educational assessments. The receiving school is not barred from performing subsequent evaluations to ensure appropriate placement and continued enrollment.

Educational Program Placement
Receiving school shall honor placement based on current educational assessments. Receiving school is not barred from performing subsequent evaluations to ensure appropriate placement.

Special Education Services
- Comply with IDEA and provide comparable services based on his/her current IEP.
- Comply with Section 504 and Title II of the Americans with Disabilities Act.
- Shall make reasonable accommodations and modifications of incoming students with disabilities.
- Receiving school is not barred from performing subsequent evaluations to ensure appropriate placement.

Placement Flexibility
LEA officials shall have flexibility in waiving course/program prerequisites.

Absence as Related to Deployment Activities
The child shall be granted additional excused absences at the discretion of LEA superintendent.

Enrollment and Eligibility

- Special power of attorney or relative with guardianship can enroll a child.
- LEA shall not charge local tuition when a transitioning military child resides in a jurisdiction other than that of the custodial parent.
- Transitioning military children may continue to attend the school in which they were enrolled.
- Transitioning military children shall have the opportunity to participate in extracurricular activities, if qualified, regardless of application deadlines.

Public Sector Impact

State Council
Each state with adoption of the Compact, is required to develop a State Council to provide the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this Compact. While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education, superintendent of a school district with a high concentration of military children, a representative from a military installation, a representative from the legislative, and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate.

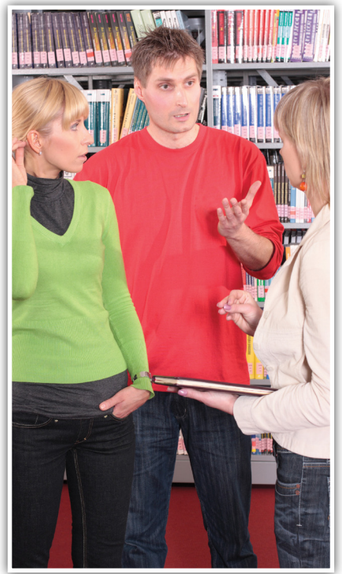
Military Family Education Liaison The State Council shall appoint, or designate, a military family education liaison to assist military families and the state in facilitating the implementation of this Compact.

National Coordination

Interstate Commission
The governing body of the Interstate Compact is currently composed of representatives from over 40 member states as well as various ex-officio members representing impacted stakeholder groups. The Interstate Commission, also known as the Military Interstate Children's Compact Commission (MIC3), provides general oversight of the Compact, creates and enforces rules governing the Compact's operation and promotes training and compliance with the Compact's requirements. Each state has one vote on compact matters. Voting privileges reside with the State Commissioner or their formal approved delegate. The Commission maintains an Executive Committee and four standing committees; Rules, Finance, Compliance and Training, Education and Public Relations. Rather than states operating under this Compact without any national coordination, the Interstate Compact and Commission provide the vehicle for solving interstate issues and disputes. The Commission also provides for a national staff that handles the administrative, logistical, public affairs, legal, legislative, and training functions.

Rulemaking
The Interstate Commission drafted and enforces rules for the operation of the Compact. While the interstate compact mechanism provides the skeletal structure of the agreement, the rules are the muscles or actuators of the contract. The Compact is basic in its scope and intent, therefore compelling the rules, and the rulemaking process to be dynamic in its ability to respond to changing issues, without rewriting the Compact at every turn. However, a rule may be voided should a majority of member state legislatures revoke the rule (check and balance).

Enforcement
The Interstate Commission has a responsibility to ensure that the Interstate Compact and the governing rules are applied and upheld by all member states and their local school districts. Unfortunately, not all issues can be resolved at the local and state level. The enforcement provisions of the Interstate Compact allow for the National Commission Office to intercede and mediate such issues and assist the states in finding equitable solutions, if possible. The contractual nature of the Compact requires all parties to the agreement (the member states) to abide by the commitments that have been made to each other when the compact was enacted by each state. The philosophy behind the enforcement clauses of the compact is to use the least amount of coercion necessary to bring about compliance. Most of the time this can be accomplished through technical assistance and training or through alternative dispute resolution processes such as mediation and arbitration, which are provided as alternatives under the Compact. While recourse to the legal process can be used as a last resort, experience has shown that this is seldom necessary. Questions of interpretation should be sent to the Executive Director through the State Commissioner.



Resolving Education Transition Issues for Military Children

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