



Interstate Compact on Educational Opportunities for Military Children

Guidance Document

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Goal of the Compact

The mobile military lifestyle creates tough challenges for children. In addition, these children often endure anxiety as a result of parental separation during deployments.

To help overcome educational transition issues of children of military families, West Virginia has become a member of the Interstate Compact on Educational Opportunities for Military Children (Interstate Compact). A variety of federal, state and local officials as well as national stakeholder organizations representing education groups and military families were included in the creation of this interstate agreement.

The goal of the Interstate Compact is to replace the widely varying treatment of transitioning military students with a comprehensive approach that provides a uniform policy in every school district in every state that chooses to join.

Member States in the Compact

In July of 2011, West Virginia joined the coalition of states when legislature passed House Bill 2550. Currently all 50 states and the District of Columbia are members.

Military Children covered under the Compact

The Interstate Compact applies to the children of:

- Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C §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 after medical discharge or retirement;
- Members of the uniformed services who die on active duty for a period of one year after death.

Background

What Is an Interstate Compact?

The Interstate Compact on Educational Opportunity for Military Children is, in essence, an agreement among member states that they will address certain school transition issues for military children in a consistent manner; however, there are limitations to what it covers. The Interstate Compact is designed to resolve transition issues (primarily procedural and policy concerns) only and does not require a state to waive any of its state standards or exit exams. The Interstate Compact provisions specifically provide for flexibility and local discretion in course and program placement and on-time graduation within the criteria established by the state.

Key Components Of The Compact

I. Enrollment

A. Educational Records

When a family leaves a school district in a member state, they may request a copy of a complete set of unofficial records to carry to the new school. It will include those papers needed to enroll the child in the new school such as current schedule, grades and test scores. The Compact does not give parents the right to request a copy of the entire cumulative file. In addition, some school districts may charge parents for providing these unofficial records.

The receiving school of a member state agrees to accept the unofficial student records to enroll and place the student, pending receipt of official records. Once a student is enrolled, the new school will request official records. A school district in a member state must send these records within 10 days of receiving a request.

B. Immunizations

A child transferring to a member state who is unable to provide official documented proof of at least one dose of each required vaccination would be automatically enrolled and provide home bound services within 3 days, as West Virginia currently provides for Homeless students. This automatic enrollment with homebound services will ensure educational services are immediately provided while the first dose of all required immunizations to enter public school are confirmed through proof of official immunization/medical records.

C. Kindergarten and 1st Grade Entrance Age

A student who moves to a member state may continue in the same grade in the receiving state regardless of the entrance age requirements in that state if he or she has already started kindergarten or 1st grade in a state accredited school in the sending state. For example:

This provision also allows children to go into the next grade level (1st or 2nd grade) regardless of age requirements if they successfully completed kindergarten or 1st grade in the sending state.

II. Placement And Attendance

A. Course and Educational Program Placement

A receiving school district in a member state agrees to initially honor placement of a student based on the student's enrollment in the sending state as long as that school has a similar or equivalent program. For example, if a student was in an AP Calculus class, a Gifted and Talented Program, or an English as a Second Language Program in their previous school, they will be placed in that course/program in the receiving school.

However, the Interstate Compact allows the school to subsequently perform an evaluation to ensure the child is placed appropriately according to the new school's requirements. This provision ensures students will not be put in a "holding" class while they are awaiting assessment, thus missing out on valuable instruction, but does not take away the new school's right to set their own criteria for placement in programs or courses. In addition, the Compact does not require the receiving school district to create a course or program that is not currently offered or where space is not available, but does require that the district demonstrate reasonable accommodation.

B. Special Education Services

The Interstate Compact requires that students covered by the Individuals with Disabilities Education Act (IDEA) receive the same services (although not necessarily identical programs) identified in the student's Individual Education Plan (IEP) from the sending state. The receiving state may subsequently perform an evaluation to ensure the appropriate placement of the student.

C. Placement Flexibility

The Interstate Compact encourages school districts to take extra steps to determine if they can waive course or program prerequisites where similar coursework has been completed in the sending school district. This will allow students to take more advanced courses rather than repeating similar basic courses. For example:

If a student came from a school that sequenced math courses Algebra I, Geometry, Algebra II and moved to a school district that sequenced them Algebra I, Algebra II, Geometry, and the student was in Geometry, he or she would not have to drop Geometry and take Algebra II before going back and finishing Geometry. The student would be allowed to finish out Geometry and then take Algebra II.

However, the Interstate Compact does not require that schools grant waivers of prerequisites or preconditions; that remains a decision to be made by the local school district.

D. Absence Related to Deployment Activities

The Interstate Compact allows students to request additional, excused absences to visit with their parent or legal guardian during deployment, which is defined as one month before the service member's departure from their home station through six months after return to their home station. As with other provisions, school districts are given leeway in determining whether or not to grant these additional absences. If a child already has excessive absences, a district may correctly feel additional time out of school would be educationally unsound.

It is hoped that this Interstate Compact provision will raise awareness and provide the flexibility to allow families time to reintegrate as needed. It is also expected that families will not abuse this provision and understand the importance of consistent school attendance.

III. Eligibility

A. Enrollment

During deployments, it is often necessary for students to stay with a non-custodial parent or someone serving in loco parentis. If that person resides outside of the student's current school district, the new school district may not charge tuition to the student. If the non-custodial parent or person serving in loco parentis lives outside of the student's current school geographic area and is willing to transport the student back to the current school, the child may continue to attend his or her current school. Remaining in the same school will help to provide much needed consistency for the child during deployment.

The Interstate Compact also stipulates that the power of attorney for guardianship given during deployment is sufficient for enrollment and all other actions requiring parental participation or consent.

This section of the Compact only applies during deployment (including deployments for training) of the Service member parent.

B. Extracurricular Participation

Member states agree to be creative in providing transferring students the opportunity for inclusion in extracurricular activities regardless of the deadlines for application as long as the child is otherwise qualified. Although the receiving school must demonstrate they are making reasonable accommodation for military students, they are not required to hold open or create additional spaces.

IV. Graduation

A. Course Waivers

The Interstate Compact allows school districts to waive courses required for graduation if similar coursework has been completed in another school district. For example:

If a student has taken Western Civilization but the receiving state requires European History, the receiving school district should evaluate to determine whether the course content is similar enough to count as meeting the state requirement. Another example might be that a student has completed Kansas state history and would not have to take Maryland state history in the new school; thereby freeing up time to take an additional advanced math or science course.

Such waivers are not mandatory under the Compact but a school district must show reasonable justification for denial of a waiver.

B. Exit Exams

School districts also agree to demonstrate flexibility in accepting sending state exit or end-of-course exams, national achievement tests, or alternative testing in lieu of testing requirements for graduation in the receiving state.

C. Transfers during Senior Year

If a student moves in his or her senior year and the receiving state cannot waive graduation requirements for similar coursework or make accommodations in testing (A & B above), then the receiving school district agrees to work with the sending school district to obtain a diploma so the student can graduate on time. A Memorandum of Understanding can be created between schools to provide the diploma. Of course, the student must have met the graduation requirements in the sending state. For example:

A student moves from a state that requires two years of math to graduate. The new state requires three years of math and the student does not have time to complete that third year to be able to graduate on time. If this is a requirement the receiving school district believes should not be waived, then they would work with the sending school district to get a diploma from the sending state.

V. How the Interstate Compact Works

Each member state of the Interstate Compact establishes a State Council and appoints a state military education liaison to assist military families and the state in facilitating the implementation of the Compact.

VI. West Virginia State Council Members

Each state also appoints a state commissioner who is their voting member of the National Interstate Commission. West Virginia's state commissioner is Major General James Hoyer, commander of the West Virginia National Guard.

Additional Resources

National MIC3 Homepage: <http://mic3.net/>

West Virginia MIC3 Homepage: <https://wvde.us/certification/military-partnerships-common-ground/military-interstate-childrens-compact-commission-mic3/>

Common Ground Partnership Website: <https://wvde.us/commonground>

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