

## The Interstate Compact on Educational Opportunity for Military Children: An Overview

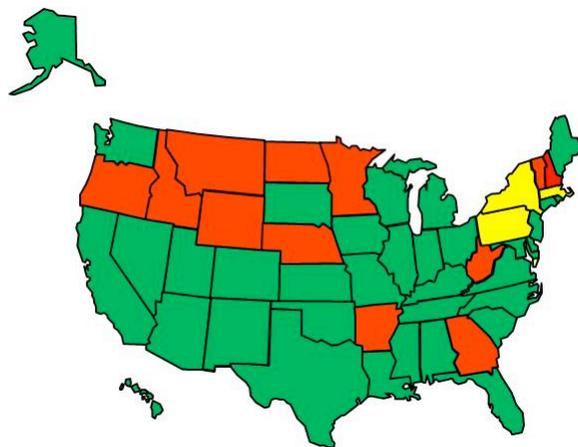


Military families are well aware that the mobile military lifestyle creates tough challenges for their children, who attend, on average, six to nine different school systems from kindergarten to twelfth grade. To help overcome educational transition issues faced by children of military families, the Office of the Secretary of Defense, working through its Defense-State Liaison Office (DSLO), collaborated with the Council of State Governments to develop the Interstate Compact on

Educational Opportunity for Military Children (the 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 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. For example, sometimes children move from one state to another immediately prior to or even during their senior year. Even if they have passed their current state's assessment and are on track to graduate, the students may find out that in order to meet the new state's graduation requirements, they have to pass another assessment or earn additional credits. This may be impossible to do in time to graduate. However, if both states belong to the Interstate Compact on Educational Opportunity for Military Children (the Compact), the receiving school district can work with the sending school district to get the student a diploma.

This article will examine what an interstate compact is, what the Compact covers (and does not cover), and how parents can work with schools and school liaisons (SL) to ensure their children receive the full benefits of the Compact.

Through 2010, thirty-five states, including most of the largest military-impacted states, have passed legislation to join the Compact. For current information on Compact status, refer to [www.USA4Militaryfamilies.mil](http://www.USA4Militaryfamilies.mil) or [www.MIC3.net](http://www.MIC3.net). While the Compact is not exhaustive in its coverage and does not directly address the *quality* of education provided, it does address key school transition issues encountered



by military families: eligibility, enrollment, placement, and graduation.

## What Is an Interstate Compact?

Interstate compacts are a powerful, durable, and adaptive tool for ensuring cooperative action among the states. Unlike federally-imposed mandates that often dictate unfunded and rigid requirements, interstate compacts provide a state-developed structure for collaborative and dynamic action: developing and enforcing stringent standards, while providing an adaptive structure which can evolve to meet new and increased demands over time.

The Interstate Compact on Educational Opportunity for Military Children is, in essence, an agreement among member states to address certain school transition issues for military children in a consistent manner. However, there are limitations to what it covers. The Compact is designed to resolve transition issues (primarily procedural and policy concerns) and does not directly impact the quality of education nor require a state to waive any of its state standards or exit exams. The 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.

The Compact is a complete document, but the implementation of the Compact is a dynamic process. Each member state has passed nearly identical pieces of legislation that outline agreement to general policies. The Military Interstate Children's Compact Commission (the Commission), made up of the Commissioners from each state, meets annually and develops any specific rules necessary to clarify the provisions of the Compact. Updates and proposed rules will be posted on the Compact website ([www.MIC3.net](http://www.MIC3.net)). The rule-making process is a public one, and families and schools will be permitted to provide input. The Compact website provides the procedures for commenting on proposed rules.

## To Whom Do Compact Provisions Apply?

Compact provisions apply only to students transferring between member states. If either state is not a member of the Compact, it is not required to comply with the provisions. The Department of Defense (DoD) cannot officially be a member of the Compact because membership is limited to states. However, DoD participates as an ex-officio member of the Commission and has designated the Department of Defense Education Activity (DoDEA) as its representative because DoDEA educates military children in 194 schools worldwide. The Deputy Under Secretary of Defense for Military Community and Family Policy has stated that DoDEA, though not a signatory to the Compact, will

nevertheless comply with the provisions of the Compact in both overseas and domestic schools. Member states should treat students transferring from DoDEA schools as if they are transferring from another member state.

## What Does the Compact Cover?



### **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. What constitutes ‘a complete set’ will be determined in the rule-making process of the Commission and will include those papers needed to enroll the child in the new school such as a 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 a fee that does not exceed a reasonable cost of reproduction 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. At the time of enrollment, the receiving school will request official records. A school district in a member state must send these records within ten business days of receiving a request except for a designated school staff break including, but not limited to, spring, summer, or holiday. Records should be furnished as soon as possible following the return of staff from a break; however, the time shall not exceed ten days after the return of staff.

#### ***B. Immunizations***

A child transferring to a member state who needs additional immunizations is allowed to enroll and begin attending school. He/she is then given thirty calendar days to obtain the needed immunizations. If a series of immunizations is required, it must be started within thirty calendar days of enrollment. Tuberculosis (TB) testing is not covered under the Compact since the TB test is not an immunization but rather a health screening.

#### ***C. Kindergarten and First 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/she has already *started* kindergarten or first grade in a state-accredited school in the sending state or a commuting area where the family was stationed.

- For example, a student born on October 20<sup>th</sup> started kindergarten in California, where a student must be five years old by December 2<sup>nd</sup> in order to enroll. During the year, the family moves to Hawaii, where a child must be five by August 1<sup>st</sup>. Even though the child would not qualify for kindergarten in Hawaii, he/she may continue in kindergarten because he/she was already enrolled in California. If the family did not enroll the child because they knew they were moving soon, then the child would not be able to enroll in the new school.

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

A student who does not meet the age requirement of the receiving state but did attend school in the sending state must supply the following documents:

- 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 enrolled and attended school (If a child of a military member was residing with a legal guardian during the previous enrollment and not the military member, a copy of the family care plan, or proof of guardianship as specified in the Compact, or any information sufficient for the receiving district to establish eligibility under the Compact shall be provided.)
- an official letter or transcript from the proper school authority that shows record of attendance, academic information, and grade placement of the student
- documented evidence of immunization against communicable diseases
- evidence of date of birth



## **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 Advanced Placement

(AP) Calculus, a Gifted and Talented Program, or an English as a Second Language Program in his/her previous school, the student will be placed in that course or program in the receiving school. However, the Compact allows the receiving school to subsequently perform an evaluation to ensure the child is placed appropriately according to its requirements. This provision ensures students will not be placed 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, but does require that the district demonstrate reasonable accommodation. The receiving school may allow the student to attend similar educational courses in other schools within the district if the receiving school does not offer such educational courses.

### ***B. Special Education Services***

The Compact requires that a student covered by the Individuals with Disabilities Education Act (IDEA) receives the same services (although not necessarily identical programs) identified in his/her 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 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, a sending school may sequence its math courses as Algebra I, Geometry, Algebra II, and the receiving school may sequence them as Algebra I, Algebra II, Geometry. If a student was enrolled in Geometry in the sending school, he/she would not have to drop Geometry to take Algebra II before going back to finish Geometry. The student would be allowed to finish Geometry and then take Algebra II. Before the Compact, many principals reported that they wanted to make these kinds of accommodations but did not feel they were allowed to do so. Now principals have that local authority. However, the 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 Compact allows students to request additional, excused absences to visit with their parent or legal guardian immediately before, during, and after deployment. As with other provisions, school districts are given flexibility to determine 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. Other school districts may feel that additional absences would not be acceptable during state testing periods. Hopefully, this Compact provision will raise awareness of school personnel regarding the impact of deployment on families so that they will provide time to allow families to reintegrate, as needed. It is also expected that families will understand the importance of consistent school attendance and not request excessive absences.

## **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 to the current school, the child may continue to attend. Remaining in the same school can help to provide much needed consistency for the child during deployment. The Compact also stipulates that a power of attorney for guardianship is sufficient for enrollment and all other actions requiring parental participation or consent.



### ***B. Extracurricular Participation***

Member states agree to facilitate the opportunity for transferring students to participate in extracurricular activities regardless of the deadlines for application as long as the child is otherwise qualified. Application deadlines include tryouts, summer conditioning, and other coach or district prerequisites. Although the receiving school must demonstrate it is making reasonable accommodation for transferring military students, the school is not required to hold open or create additional spaces. Also, some state student athletic associations are private organizations and consequently do not fall under the umbrella of the Compact.

## **Graduation**

### ***A. Course Waivers***

The 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 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. If the receiving school district requires a graduation project, volunteer community service hours, or other state or district-specific requirements, the receiving district may waive those requirements. 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 the sending state's exit or end-of-course exams, national achievement tests, or alternative testing in lieu of testing requirements for graduation in the receiving state. Mandatory waiver of the exit exams or acceptance of alternative results is not required under the Compact, and each state may determine what it is willing to accept or require.



### ***C. Transfers During Senior Year***

If a student moves during his/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. Of course, the student must meet the graduation requirements in the sending state. An example might be that a student moves from a state that requires three years of math to graduate; however, the new state requires four years of math and the student does not have time to complete that fourth 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.

## **How Does the Compact Work?**

Each member state of the Compact establishes a State Council and appoints a State Military Education Liaison to assist the state in facilitating the implementation of the Compact. Each state also appoints a State Commissioner who is their voting member on the Commission. State Councils are made up of a variety of members, including at least one military representative from an installation in that state, who will be appointed by the DoD.

Because interstate compacts are agreements (contracts) between states, states are held accountable by other states in the Compact through the Commission. Parents do not have any personal right of action based on a state's membership in the Compact, which means parents cannot take member states, their school districts, or the Commission to court. It is anticipated that compliance issues which cannot be handled school district to school district, or State Council to State Council, will be handled through the Commission where "extra-judicial" dispute resolution processes, such as mediation or arbitration, can be initiated.

Many provisions of the Compact are written broadly. Rule-making will clarify some of the procedures and policies, but individual cases will always be unique. Refinement and clarification will be an on-going process.

## Parents' Role

Parents play an important role in ensuring that their children benefit from the Compact. Parents should understand the Compact provisions and the process for addressing their children's school transition issues. This section outlines the steps parents can take when they encounter a school transition issue covered by the Compact.



1. If parents have a concern regarding a Compact provision, they should contact the school first. Because the Compact is so new in some states, school officials may not be aware of the Compact yet. *Given this lag, parents are encouraged to approach the school as a source of information rather than as an adversary.* Military school liaisons (SLs) can be very helpful in providing information on the Compact. Each Service has a protocol for how SLs handle school issues, and military families should feel comfortable contacting them for help. To locate the appropriate SL for their school, parents should visit <http://www.militaryinstallations.dod.mil>.

2. If the concern is not reconciled after meeting with school personnel, parents might go to the superintendent or school board next.
3. If parents believe that the school district or local education agency is not in compliance with the Compact, they should contact the Commission by visiting [www.MIC3.net](http://www.MIC3.net) or contacting the Commission's Executive Director, BG(R) Norman E. Arflack, at (859) 244-8000.
4. Parents may also contact the State Military School Liaison or their State Council's Military Representative for clarification on Compact provisions or for help addressing their concerns. Contact information may be found on the Commission website at [www.MIC3.net](http://www.MIC3.net).
5. If parents still have unresolved concerns, contacting the State Commissioner would be the next step. State Councils meet infrequently, but a council meeting might be a good place for parents to express their concerns. Contact information may be found on the Commission website at [www.MIC3.net](http://www.MIC3.net).

## The Way Ahead

Although the Compact is off to a great start, its process is still in its infancy. Additional efforts are underway to ease the challenges of educational transition issues for military children.

- Although thirty-five member states have joined the Compact in a very short period of time, fifteen states have yet to adopt it. The Department of Defense continues to work with leaders in these states to ensure all military children are covered by the Compact.
- Most of the Compact member states have adopted the Compact only recently and are therefore in the initial stages of setting up their state structures and disseminating information to all of their school districts.
- The third annual Commission meeting will take place in November 2010 in San Antonio, Texas. At that meeting, Commissioners will clarify many of the Compact provisions and the Commission's procedures. Minutes of this meeting, details of approved rules, listings of state councils, and other helpful documents will be available at [www.MIC3.net](http://www.MIC3.net).



The adoption of the Compact will provide significant benefits for the education of military children. However, it will take time before all children are covered and the process works smoothly. If you are transferring between member states and are facing issues that you believe are covered by the Compact, please be sure to bring them to the attention of your local school counselor or administrator. Local military school liaisons are available to assist, as needed. Informed, knowledgeable parents are one of our greatest assets in ensuring the proper and timely implementation of the Compact.