

Interstate Compact on Educational Opportunity for Military Children

Background & Summary



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Military families move between postings on a regular basis. While reassignments can often be a boon for career personnel, they usually play havoc with the children of military families: losing and making new friends, adjusting to new cities and bases and changing schools. While the armed services has taken great leaps to ease the transition of personnel, their spouses and most importantly children, much remains to be done at the state and local levels to ensure that the children of military families are afforded that same opportunities for educational success as other children and are not penalized or delayed in achieving their educational goals by inflexible administrative and bureaucratic practices.

The average military student faces transition challenges more than twice during high school and most military children will have six to nine different school systems in their lives from kindergarten to 12th grade. With more than half of all military personnel supporting families, the impacts of reassignment and long deployments are a key consideration when making long-term life choices.

Specific impacts on military children include:

- **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 or 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.

The new Interstate Compact on Educational Opportunity for Military Children addresses these issues as well as compact enforcement, administration, finances, communications, data sharing and training. The new compact establishes an independent compact operating authority, the Interstate Commission, which will be positioned to address future interstate problems and issues as they arise.

The development of interstate and intrastate solutions to these issues is of paramount importance to military families. While armed services personnel are serving our country, their children may, more often than not, be adversely affected by these and other educational policies. While many states and communities have responded on an ad hoc basis to ease the shift of military children, no comprehensive policy approach exists to improve the long-term educational transitions and outcomes of this constituency.

What is a compact?

Simply stated, a compact is an agreement between two or more states for cooperative effort, mutual assistance, management, and regulation of public policy matters by the states, which transcend the boundaries of one state. Authorized under Article I of the U.S. Constitution and dating as far back as the 1780s, compacts have been created to address a wide variety of issues that arise among the states. Many of the earliest compacts were designed to settle boundary disputes.

Throughout the 20th century, compacts became increasingly relied upon to manage and regulate state concerns in diverse areas such as environmental resource management, multi-state taxation, transportation, corrections, crime control and juvenile justice. States

ratifying compacts are bound to observe the terms of the agreement until the compact is formally renounced by the state. Compact provisions take precedence over conflicting state laws and inconsistent provisions of existing laws of a compact state.

Solutions for the Future

The Council of State Governments (CSG), in cooperation with the U.S. Department of Defense Office of Personnel and Readiness, has drafted a new interstate compact that addresses the educational transition issues of children of military families. Since July 2006, CSG has 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 new interstate agreement.

While the compact is not exhaustive in its coverage, it does address the key issues encountered by military families: eligibility, enrollment, placement and graduation. In addition, the compact provides for a detailed governance structure at both the state and national levels with built-in enforcement and compliance mechanisms.

Applicability

The new 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;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and
- 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 (1) year after death.

The new 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 above;
- Veterans of the uniformed services not covered above; and
- Other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Enrollment

- Educational Records - the new compact provides that schools must share records in a timely manner in order to expedite the proper enrollment and placement of students. If the sending school cannot provide the parent a copy of the official record, an unofficial copy will be provided that may be hand carried to the school in lieu of the official record. This unofficial record can then be used for preliminary placement

while the school sends for the official record. Once requested, the sending school has 10 days to provide the official record to the receiving school.

- Immunizations – the new compact provides for specific timelines, in this case 30 days from the date of enrollment, for students to obtain required immunizations in the receiving state.
- Age of Enrollment/Course Continuation – the compact requires, absent a new enrollment in Kindergarten, that a student shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level from the sending state. For example, if a student is enrolled and attends Kindergarten at the age of 5 in State A and transfers to State B, the student would be allowed to continue in Kindergarten despite State B's entrance age of 6 years. Further, the compact allows for such continuity of enrollment when a student has completed Kindergarten and is ready for enrollment in First Grade. For example, if a student has completed Kindergarten in State A and transfers to State B, the student would be allowed to enter First Grade despite State B's entrance age of 6 or 7 years.

Eligibility

- Power of Attorney - special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.
- Tuition - a local education agency shall be prohibited from charging local tuition to a military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.
- Non-custodial parents - a military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.
- Extracurricular activities - state and local education agencies shall facilitate the opportunity for military children's inclusion in extracurricular activities to the extent they are otherwise qualified.

Placement

- Course placement / Educational Program placement - when the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical

and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

- Special education services – 1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and 2) In compliance with the requirements of Section 504 of the Rehabilitation Act [insert federal statutory reference] and with Title II of the Americans with Disabilities Act [insert federal statutory reference] the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.
- Placement flexibility – local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.
- Absence as related to deployment activities – a student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian prior to leave or deployment of the parent or guardian.

Graduation

- Waiver requirements – local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on-time.
- Exit exams - states shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her Senior year, then the provisions of Article VII, Section C shall apply (as outlined below).

- Transfers during Senior year – Should a military student transferring in his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

State Coordination

- State Council – each state will be required to develop a State Council to provide for 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 the school district with a high concentration of military children, representative from a military installation, one 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 of each member state 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 new interstate compact composed of representatives from each member state as well as various ex-officio members representing impacted stakeholder groups, the Interstate Commission will provide general oversight of the agreement, creates and enforces rules governing the compacts operation and promotes training and compliance with the compacts requirements. Each state will be allowed one vote on compact matters and the Commission will maintain a variety of policy and operations committees. Rather than states operating under an interstate agreement without any national coordination, the Interstate Commission will provide the venue for solving interstate issues and disputes.
- Rulemaking – the Interstate Commission, through its member states, will draft and enforce 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 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 will have the ability to enforce the provision of the compact and its rules on states and school districts. Without enforcement and compliance power, the compact becomes a toothless tiger – a set of good ideas under which no one feels compelled to abide. With enforcement capacity, the compact can force states and districts to comply for the good of military children. Of course, such action could only be undertaken by the Commission itself, i.e. the state members.

Effective Date

- **10 or more states** – the compact will activate once 10 or more states have adopted the language. With the bulk of military children residing in just 20 states, the Drafting Team felt that 10 was sufficient to begin operations and create a sense of urgency for the remaining states.

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