

# Fact Sheet on the Interstate Compact on Educational Opportunity for Military Children

## ***Legislation aims to ease school-to-school transfers for military children.***

November 17, 2009 - In only 18 months, 26 states, including most with large military populations, have passed legislation to join the Interstate Compact on Educational Opportunity for Military Children, thus covering roughly 70 percent of school-aged children. This is the fastest acceptance of any large-scale interstate compact in history. While the Compact is not exhaustive in its coverage, it does address the key school transition issues encountered by military families: eligibility, enrollment, placement and graduation. Read on to find out what the Compact does and does not include and how it works.

### **Goal of the Compact**

The mobile military lifestyle creates tough challenges for children who attend, on average, six to nine different school systems from kindergarten to 12th grade. In addition, these children often endure anxiety as a result of parental separation during deployments.

To help overcome these educational transition issues of children of military families, the Office of the Secretary of Defense, working through its Defense-State Liaison Office, collaborated with the Council of State Governments to develop 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.

### **Quick Example of the Compact in Action**

The following scenario is just one way the Compact can help children of our military families as they move from state to state:

*Cathy's father was deployed to Iraq during her junior year, leaving her and her mother in Maryland. When he returned this spring, he was reassigned to Texas where Cathy and her mother joined him in May. While Cathy had passed the Maryland state assessment requirements and just needed to finish a few credits in order to graduate, she was told that she would not be able to complete those credits, plus the four additional needed to meet the Texas graduation requirements in time to graduate in June. She was also told that she needed to pass all of the Texas assessment requirements in order to be eligible to graduate. Because Maryland and Texas both belong to the Compact, the school district in Texas was able to work with the*

*school district in Maryland to get Cathy her diploma. Thus, she was able to graduate on time instead of having to go to summer school and take tests that measure standards in a state where she had not attended school.*

## **BACKGROUND**

### **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 that they will 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) only and does not 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 living document. Each member state passed very similar pieces of legislation that outline agreement to general policies. The Interstate Commission, made up of the commissioner from each state, meets annually and develops any specific rules necessary to clarify the provisions of the Compact. Updates will be posted on the Compact website at [http://www.usa4militaryfamilies.dod.mil/portal/page/mhf/USA4/USA4\\_HOME\\_1?current\\_id=22.60.30.0.0.0.0.0&content\\_id=248693](http://www.usa4militaryfamilies.dod.mil/portal/page/mhf/USA4/USA4_HOME_1?current_id=22.60.30.0.0.0.0.0&content_id=248693). The rule-making process is a public one, and families and schools will be permitted input during the process.

### **What the Compact Does and Does Not Include**

Compact provisions apply only to students transferring between member states. If either state is not a member of the Compact, they are not required to comply with its provisions.

The remainder of this article clarifies some of its key components to let military families and school districts know what the Compact does and does not 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 Compact Commission. It will probably 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 needs additional immunizations is allowed to enroll and begin attending school. He or she is then given 30 days to obtain the needed immunizations. If a series of immunizations is required, it must be started within 30 days of enrollment.

Tuberculosis testing is not covered under the Compact since the TB test is not an immunization but rather a health screening.

### ***C. Kindergarten and 1<sup>st</sup> 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 1<sup>st</sup> grade in a state accredited school in the sending state. For example:

*A student born Oct. 20 started kindergarten in California where a student must be 5 by Dec. 2 in order to enroll. The family moves during the year to Hawaii, where the child must be 5 by Aug. 1. Even though the child would not have qualified for kindergarten in Hawaii, that child may continue in kindergarten because he or she was enrolled already in California. If the family did not enroll the child because they were moving soon, then that 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) regardless of age requirements if they successfully completed kindergarten or 1<sup>st</sup> grade in the sending state.

## **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 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 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***

Similar to the above, the 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 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.*

Many principals report that before the Compact existed they wanted to make these kinds of accommodations but did not feel they were allowed to do so. Now they 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 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. In addition, one state amended their Compact legislation to say that students could not take these additional absences during state testing.

It is hoped that this 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.

## **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 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. Also, some state student athletic associations are private organizations, not run by the state, 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 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. Mandatory waiver of the exit exams or acceptance of alternative results is not required under the Compact and each state may determine what they are willing to accept or require.

### **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. 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.*

### **How the Compact Works**

Each member state of the 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. Each state also appoints a state commissioner who is their voting member of the National Interstate Commission.

Because interstate compacts are agreements (contracts) between states, states are held accountable by other states in the Compact and by the Interstate 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 or the Interstate 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 Interstate Commission where “extra-judicial” dispute resolution processes, such as mediation or arbitration, can be initiated.

Many provisions of the Compact are written very 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.

The Department of Defense is not a state and so cannot be a member of the Compact. However, the Department of Defense Education Activity (DoDEA) participates as an ex-officio member of the Interstate Commission and Dr. Shirley Miles, director of DoDEA, has stated that DoDEA will comply with the provisions of the Compact in both the overseas and domestic schools.

### **The Way Ahead**

The Compact process is still in its infancy and there is a long way to go before everything works perfectly:

- First, although 26 states have adopted the Compact in a very short period, that means 24 have not and the Department will continue to work with state leaders to bring the remainder on board so all of our children are covered.
- Second, most of the 26 states which have adopted the Compact have done so only recently and are therefore in the initial stages of setting up their state structures and disseminating information to all of their school districts.
- Third, the second annual meeting of the Interstate Commission will take place in November 2009. During that meeting, the Interstate Commission will clarify many of the provisions of the Compact and the procedures for running the Commission based on input from the Rules and Executive Committees. Minutes of the meetings, listings of state councils, and forums for discussing proposed rules will be posted online at <http://www.csg.org/programs/policyprograms/NCIC.aspx#militarychildren>. Further information may be obtained from John Mountjoy, director, Interstate Compacts for the Council of State Governments, who is overseeing the implementation of the Compact, at [jmountjoy@csg.org](mailto:jmountjoy@csg.org) or 859-244-8256.

See a list of states that have signed the Compact on the Council of State Governments website at [http://www.csg.org/programs/policyprograms/NCIC/interstatecompact\\_militarychildren\\_edop.aspx](http://www.csg.org/programs/policyprograms/NCIC/interstatecompact_militarychildren_edop.aspx). Also, see additional information on the Compact at [http://www.usa4militaryfamilies.dod.mil/portal/page/mhf/USA4/USA4\\_HOME\\_1?current\\_id=22.60.30.0.0.0.0.0&content\\_id=248693](http://www.usa4militaryfamilies.dod.mil/portal/page/mhf/USA4/USA4_HOME_1?current_id=22.60.30.0.0.0.0.0&content_id=248693).