



# Interstate Compact on Educational Opportunity for Military Children

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*This factsheet is designed to address the most frequently asked questions about the Interstate Compact on Educational Opportunity for Military Children. The information is of a general nature. Readers should seek the advice of legal counsel with specific legal problems or questions.*

The Interstate Compact on Educational Opportunity for Military Children was ratified and enacted into law by the Ohio General Assembly as part of the biennial budget in July 2009 (See Ohio Revised Code Sections 3301.60-3301.64).

## What is an interstate compact?

It 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. Generally, interstate compacts fall into one of three categories: border compacts, advisory compacts or regulatory compacts.

## What does the new Interstate Compact on Educational Opportunity for Military address?

The new compact addresses perceived inequities facing students of military families when they relocate to school districts across state lines. It addresses issues such as eligibility, enrollment, placement and graduation requirements.

## What key terminology do we need to be aware of regarding the new compact?

- "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.
- "Active duty" means full-time duty status in the active uniformed services of the United States, including members of the National Guard and reserve on active duty orders.
- "Sending state" means the state from which a child of a military family is sent, brought or caused to be sent or brought.
- "Receiving state" means the state to which a child of a military family is sent, brought or caused to be sent or brought.

## What students are covered by the compact?

The 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 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 year after death.

The compact does not apply to children of:

- Inactive members of the National Guard and military reserves;
- Members of the uniformed services now retired, unless retired as a result of severe injury/medical discharge as discussed above;
- Veterans of the uniformed services, unless a veteran who was severely injured/medically discharged as discussed above; and
- Other U.S. Department of Defense personnel and other federal agency civilian

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and contract employees not defined as active duty members of the uniformed services.

### **What enrollment issues are addressed by the compact?**

#### ***Educational Records***

● *Unofficial or “hand-carried” education records.* If official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the school of the sending state shall prepare and furnish to the parent a complete set of unofficial education records. Upon the receipt of the unofficial education records by the school in the receiving state, the school shall enroll and appropriately place, as quickly as possible, the student based on the information provided pending validation by the official records.

● *Official education records and transcripts.* Simultaneous with the enrollment and conditional placement of a student, the school in the receiving state shall request the student’s official education record from the school in the sending state. The school in the sending state, upon receipt of such request, must furnish the official education records to the school in the receiving state within ten days.

#### ***Immunizations***

A student is required to obtain any immunizations required by the school in the receiving state within 30 days from the date of enrollment in the school of the receiving state. If a series of immunization is required, the initial vaccinations must be obtained within the thirty day period.

#### ***Kindergarten and First Grade Entrance Age***

● Students shall be allowed to continue their enrollment at grade level in the school of the receiving state commensurate with their grade level from a school in the sending state at the time of transition, regardless of age.

● A student who has completed the prerequisite grade level in a school in the sending state shall be eligible for enrollment in the next highest grade level in a school in the receiving state, regardless of age.

● A student transferring after the start of the school year in a school in the receiving state shall enter the school on their validated level from a school in the sending state.

#### ***Eligibility for Enrollment:***

● A special power of attorney, relative to the guardianship of a child of a military family, executed under applicable law is sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

● A school district is prohibited from charging tuition to a transitioning military child placed in the care of a noncustodial parent who lives in a jurisdiction other

than that of the custodial parent.

● A transitioning military child, placed in the care of a noncustodial 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 the child was enrolled while residing with the custodial parent.

### **What about course and education program placement?**

A school in the receiving state shall initially honor placement of a transferring student in educational courses, if such courses are offered, based on the student’s enrollment in the sending state school. Course placement includes, but is not limited to, honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Similarly, a receiving state school shall initially honor placement of a student in education programs based on current education assessments conducted at a school in the sending state for programs such as gifted and talented and English as a second language. Regarding special education services, a school in a receiving state shall initially provide comparable services to a student with disabilities based on the student’s current IEP and shall make reasonable accommodations and modifications to address the needs of that incoming student with disabilities in accordance with Federal law.

With respect to these initial placement issues, nothing precludes a school in the receiving state from performing subsequent evaluations to ensure appropriate placement of a student. Further, school districts shall have flexibility in waiving course or program prerequisites or other preconditions for placement.

### **Are there any attendance issues addressed by the compact?**

Yes. A student whose parent or legal guardian is an active duty member of the armed forces and has been called to do duty for, is on leave from, or immediately returned from deployment to a combat zone shall be granted additional excused absences at the discretion of a school district’s superintendent to visit with the student’s parent/legal guardian relative to such leave or deployment.

### **What about extracurricular participation and eligibility?**

State and local education agencies shall facilitate the opportunity for the inclusion of military children in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.

What procedures are required in the new compact to facilitate on-time graduation?

**Waiver requirements**

A school district shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another school district or shall provide reasonable justification for denial. If a waiver is not granted to a student who would qualify to graduate from a school of the sending state, the school of the receiving state shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

**Exit exams**

States shall accept exit or end-of-course exams required for graduation from a school in the sending state or national norm-referenced achievement tests or alternative testing, in lieu of testing requirements for graduation in a school of the receiving state.

**Transfers during senior year**

If a transitioning student who transfers in his/her senior year is ineligible to graduate from a school in the receiving state after all alternatives have been considered, both the sending and receiving state schools shall ensure the receipt of a diploma from the sending state school if the student meets the graduation requirements of the sending state school.

What else is contained in the compact?

**State coordination:**

- Ohio is 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, the compact.
- Ohio's state council must appoint or designate a military family education liaison to assist military families and the State in facilitating the implementation of this compact.

**National Coordination-Creation of the Interstate Commission**

The Interstate Commission is 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 role of the Interstate Commission is to provide general oversight of the compact, create and enforce rules governing the compact's operation and promote training and compliance with the compact's requirements.

*The information in this factsheet is intended as general information. It should not be relied upon as legal advice. If legal advice is required, the services of an attorney should be obtained.*