



Interstate Compact on Educational Opportunity for Military Children

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The Interstate Compact on Educational Opportunity for Military Children (compact) is an agreement among all 50 states and the District of Columbia to ensure educational consistency for children in military families when they relocate. It was ratified and enacted into law by the Ohio General Assembly in July 2009 (Ohio Revised Code Sections (RC) 3301.60-3301.65). This fact sheet is designed to address the most frequently asked questions about the compact. The information is of a general nature. Readers should seek advice of legal counsel with specific legal problems or questions.

What is an interstate compact?

It is an agreement between two or more states for cooperative effort, mutual assistance, management and regulation, by the states, of public policy matters that transcend the boundaries of one state.

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

The 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 are the key terms used in the compact?

- "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.
- "Children of military families" means school-aged children, enrolled in kindergarten through 12th grade, in the household of an active-duty member.
- "Local education agency" (LEA) means a public authority legally constituted by the state as an administrative agency to provide control of and direction for K-12 public educational institutions.
- "Receiving state" means the state to which a child of a military family is sent, brought or caused to be sent or brought.
- "Sending state" means the state from which a child of a military family is sent, brought or caused to be sent or brought.
- "Student" means the child of a military family for whom the LEA receives public funding and who is formally enrolled in kindergarten through 12th grade.
- "Transition" means the formal and physical process of transferring from school to school; or the period of time in which a student moves from a school in the sending state to a school in the receiving state.

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;
- 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.

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For more information on this subject, please contact OSBA's Division of Legal Services

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What students are not covered by the compact?

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;
- other U.S. Department of Defense personnel and other federal agency civilian 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 a complete set of unofficial education records and furnish them to the parent. Any school in a receiving state shall, upon receipt of the unofficial records, enroll and appropriately place the student as quickly as possible 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 10 days.

Immunizations

A student must 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 immunizations is required, the initial vaccination in the series must be obtained within the 30-day period.

Eligibility for enrollment

- 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.
- 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 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 board of education shall permit a military child who is relocating to the district and who is not a resident of the district during the enrollment period to apply for enrollment in a school in the district in the same manner and at the same time as students residing in the district.
- The district must accept enrollment applications, including enrollment in a specific school or program, by electronic means for these students. Within 10 days after establishing residence in the district, the parent or guardian shall provide proof of residence (e.g. temporary on-base billeting facility, purchased or leased home or apartment, or federal government or public-private venture off-base military housing).

Grade-level enrollment

- Students shall be allowed to continue their enrollment at the same grade level in the school of the receiving state that they held in 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 at the grade level validated by a school in the sending state.

Technology-based educational opportunities

- LEAs shall permit children of military families to participate in technology-based educational opportunities when those students' families receive permanent change of station orders to or within the state to transition from one military installation to another.
- LEAs shall permit such students to participate in technology-based opportunities when those students' families receive permanent change of station orders out of state until such time as the students are enrolled in the schools of a new LEA.

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's 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 services for students who are English learners.

A school in a receiving state shall initially provide special education services to a student with disabilities that are comparable to the services provided by the sending school and based on the student's current individualized education program (IEP). The receiving school shall make reasonable accommodations and modifications to address the needs of the incoming student with disabilities in accordance with federal law.

With respect to 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 may waive 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 deployment to a combat zone or is on leave from or immediately returned from such deployment shall be granted additional excused absences at the discretion of a school district's superintendent to visit with the student's parent or legal guardian.

What about extracurricular participation and eligibility?

LEAs 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 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 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 their senior year is ineligible to graduate from a school in the receiving state after all alternatives have been considered, the sending and receiving state schools shall ensure receipt of a diploma from the sending state school if the student meets the graduation requirements of the sending state school.

What else is addressed by the compact?

State coordination

- Ohio is required to develop a state council to coordinate the state's participation in and compliance with the compact. The council is required to work with Ohio's government agencies, LEAs and military installations. The state council must include the superintendent of public instruction, a school superintendent of a district with a high concentration of military children, a representative from a military installation and representatives of the legislative and executive branches of government. Information about the members of Ohio's state council is available at <https://mic3.net/state/ohio>.
- Ohio's state council must appoint or designate a military family education liaison to help military families and the state facilitate the implementation of the compact. Information about Ohio's liaison and services is available at <http://links.ohioschoolboards.org/82303>.

National coordination

The Military Interstate Children's Compact Commission (MIC3) is the compact's governing body. MIC3 is composed of representatives from all 50 states and the District of Columbia. MIC3's role 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. More information about the compact and its rules and benefits can be found on MIC3's website at www.mic3.net.

Are there other provisions in Ohio law addressing children from military families?

Ohio has enacted legislation that facilitates the participation of children of military families in College Credit Plus programs, specifically addressing the fact that these families are often required to move mid-semester. The law requires any secondary school, as well as any college or university participating in the program, to allow students whose parents are relocated due to a change in duty station either to complete the course for the duration of the semester in an online format, if possible, or to withdraw from the course without academic or financial penalty (RC) 3365.036. Although RC 3365.036 is not part of the compact, it uses the compact's definition of "children of military families," and districts should make sure they are complying with its requirements.

The information in this fact sheet 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.