

Virginia Council for the Interstate Compact on Educational Opportunity for Military
Children
Minutes: August 22, 2011

Council Members in Attendance:

Senator John C. Miller, Chair
Dr. Patricia I. Wright, Superintendent of Public Instruction
Dr. Bobby R. Browder, Superintendent of Prince George County Public Schools
Dr. James G. Merrill, Superintendent of Virginia Beach Public Schools
Professor Marlena E. Bremseth
Dr. William C. Boshier, Jr.
Ms. Susan McIntosh

Council Member not in Attendance:

The Honorable M. Kirkland Cox, House of Delegates

Department of Education Staff in Attendance:

Melissa Luchau, Military Family Education Liaison
Anne Wescott, Assistant Superintendent for Policy and Communications

Senator Miller opened the meeting by welcoming the Council members and guests.

Paul Nichols, President and Chief Executive Officer of Virginia Advanced Study Strategies, provided the members with an overview of the National Military Project of the National Math and Science Initiative. The program seeks to increase the number of military students taking and passing AP math, science, and English exams, and expands access to traditionally under-represented students, including schools with high concentrations of military students. The initiative is currently partnering with 12 Virginia high schools. Senator Miller asked what the Commonwealth can do to be more involved. Mr. Nichols responded that the most important thing is continuing to build partnerships with businesses and private and public organizations. More information about the initiative is available at

<http://www.virginiaadvancedstudystrategies.org/PRESS%20RELEASE.pdf>.

Elizabeth Mancano, Military Families Liaison in the Office of the First Lady of Virginia, provided the members with an overview of the “Serving our Service Member Families” Initiative (SOS). The SOS partnership network connects military families with businesses, churches, and civic and volunteer organizations to meet their needs while a service member is away on duty or wounded while serving. Ms. Mancano guided

members through the SOS Web site (www.sos.virginia.gov) where military family members can connect with service providers.

Melissa Luchau, Military Family Education Liaison at the Virginia Department of Education (VDOE), briefed members on several policy and legislative issues related to the Interstate Compact on Educational Opportunity for Military Children. She provided an overview of a recent guidance document issued by the Department, on behalf of the Council. The guidance document stated that a prospective kindergarten student, who falls under the provisions of the compact, who has not yet started kindergarten prior to transferring to Virginia, but who is eligible for enrollment in the sending state, must have registered with the local education agency (LEA) in the sending state in order to be eligible for enrollment in kindergarten after the parental military transfer to Virginia regardless of age under Article IV, Section D of the compact. The guidance was issued after an advisory opinion was issued by the Military Interstate Children's Compact Commission (MIC3) in February 2011.

Senator Miller asked if the kindergarten guidance information is available to military parents in other states. Ms. Luchau responded that the information posted on the VDOE Web site (http://www.doe.virginia.gov/support/student_family/military/index.shtml) has been disseminated to school divisions across the Commonwealth, and has been provided to School Liaison Officers. Dr. Boshier asked for clarification on how a non-military student would be treated in a similar circumstance, and Dr. Wright responded that any school division can enroll a younger student with pre-assessments, at the division's discretion. Dr. Browder asked for clarification that this guidance is only applicable to state operated facilities. Ms. Luchau responded that the provisions of the compact only apply to local education agencies as defined in the compact.

Ms. Luchau also notified the members about two proposed rule changes the MIC3 will consider at their fall meeting. The first proposal relates to the dues formula for states; it clarifies that the dues are based on where a military child "resides" and it sets a ceiling and a floor amount for dues. The second proposal relates to enrollment in kindergarten. The proposed rule change would require a student to have attended class for at least one day in the sending state in order to continue enrollment in kindergarten in the receiving state, if they do not otherwise meet the receiving state's age requirement for enrollment. The two proposed rule changes will be posted on the MIC3 Web site (www.mic3.net) for public comment at least 30 days before the MIC3 meeting in November 2011. The Web site will include the exact language of the proposed rule changes as well as formal justifications for the changes.

During the discussion of the second proposed rule change, Professor Bremseth raised concerns that there is no clear reasoning for such a change in policy and that it would adversely impact military families who often move in the summer. Dr. Boshier raised concerns about the inconsistency of the proposed rule change with the advisory opinion previously issued by MIC3, and asked if this issue could be related to compulsory attendance. Dr. Wright noted that enrollment is not the same thing as

attendance, and that she has no plans to retract the guidance issued by the Department earlier this year.

Dr. Merrill made a motion to support the MIC3 advisory opinion issued on kindergarten enrollment in February, which provided that a prospective kindergarten student who has not yet started kindergarten prior to transferring, but who is eligible for enrollment in the sending state, must have registered with the LEA in the sending state in order to be eligible for enrollment in kindergarten after the parental military transfer regardless of age under Article IV, Section D of the compact. The motion noted that the guidance issued by MIC3 and subsequently VDOE has worked well in Virginia. The motion also noted that there is no need for adding an attendance requirement. Professor Bremseth seconded the motion and the motion passed with unanimous support.

Ms. Luchau also presented a legislative proposal to the members of the Council related to special power of attorney. The purpose of the proposal is to make two provisions of the *Code* consistent, with regards to special power of attorney. Both § 22.1-3 and § 22.1-360 of the *Code* specify that special power of attorney, relative to the guardianship of a child of a military family, and executed under Title 10, United States Code, § 1044b, is sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. However, there is inconsistency regarding the deployment status of the parent. Section 22.1-3 of the *Code* references a parent deployed outside the United States, and the language in § 22.1-360 does not specify that the parent is deployed at all. The legislation is needed to provide that when service members execute a special power of attorney it is sufficient for the purposes of enrollment and attending school free of tuition, regardless of the parent's deployment status.

Dr. Boshier noted his support for the legislative proposal as it would assist military families. Professor Bremseth asked for clarification on when tuition is required and noted that military orders should be enough to satisfy enrollment requirements. Ms. Luchau clarified that for non-military students, local school divisions can charge tuition to out of division students, and that it is customary for service members to complete a special power of attorney, for reasons other than just school purposes. Senator Miller noted the Council's general support for the proposal, which will make it easier for military families to transition schools.

Senator Miller provided an update on Virginia High School League (VHSL) rules that may affect military families. VHSL's transfer rule currently prohibits students from participating in VHSL activities for the first 365 days following transfer to a school, unless the transfer corresponds to the family's move into the attendance zone. Senator Miller notified the members that the VHSL will consider a proposal at their September meeting to grant immediate eligibility to students transferring into a school division to live with a relative or guardian due to a military deployment.

The Council then received public comment from one member of the audience. The commenter presented the members with copies of a Government Accountability Office Report, "Education of Military Dependent Students: Better Information Needed to

Assess Student Performance.” The report examined what is known about the utilization and effectiveness of DOD Impact Aid funds, the challenges faced by school districts in serving military dependent students, and how DOD and Education have collaborated on their assistance.

Dr. Boshier noted his concern about a recent report showing the majority of the Department of Defense Education Activity (DODEA) schools worldwide have aged beyond repair and many others require significant upgrades.

Senator Miller announced that the next Virginia Council meeting will take place on December 8, 2011 (time and location TDB). He closed the meeting by thanking the Council members.

Presentation materials from the meeting can be found at:

http://www.doe.virginia.gov/support/student_family/military/va_council/index.shtml.