

Virginia Council for the Interstate Compact on  
Educational Opportunity for Military Children  
Minutes: May 3, 2012

Council Members in Attendance:

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

Council Members not in Attendance:

Delegate M. Kirkland Cox  
Professor Marlena E. Bremseth

Department of Education Staff in Attendance:

Melissa Luchau, Military Family Education Liaison  
Michelle Vucci, Director of Policy

Senator Miller called the meeting to order and welcomed Council members and guests. In his opening remarks, Senator Miller announced he recently attended an event at Lee Hall Elementary School in Newport News, where Dr. Jill Biden, wife of U.S. Vice President Joe Biden, recognized Virginia as a leader in military friendly policies. Senator Miller thanked the school liaison officers in attendance for their work to ease the transition of military children.

Senator Miller provided a brief update regarding Virginia High School League (VHSL) eligibility issues related to military children. Concerns have been expressed related to military families who are deemed “key and essential” and must live on base, thus limiting their option to choose what school their children attend. If these military parents choose to send their children to a school different from their designated school, they are not eligible to participate in VHSL activities for one year. Senator Miller noted that the VHSL Board is considering an exemption for those required to live on base, and a vote will be taken at their next meeting in September.

The first item on the agenda was a briefing on legislation passed by the 2012 General Assembly affecting military families. The following legislation was discussed:

- HB 937 (L. Scott Lingamfelter) - Requires a regulatory board within the Department of Professional and Occupational Regulation, the Department of Health Professions, or any board named in Title 54.1 to expedite the

issuance of a license, permit, certificate, or other document, required for the practice of any business, profession, or occupation in the Commonwealth, of an applicant (i) holding the same or similar license, permit, certificate, or other document required for the practice of any business, profession, or occupation issued by another jurisdiction; (ii) whose spouse is the subject of a military transfer to the Commonwealth; and (iii) who left employment to accompany the applicant's spouse to Virginia if, in the opinion of the board, the requirements for the issuance of the license, permit, certificate, or other document in such other jurisdiction are substantially equivalent to those required in the Commonwealth.

- HB 938 (L. Scott Lingamfelter) - Requires the regulatory boards within the Department of Professional and Occupational Regulation, the Department of Health Professions, or any board named in Title 54.1 except the Board of Medicine and the Board of Dentistry, to accept the military training, education, or experience of a service member returning from active military service in the armed forces of the United States, to the extent that such training, education, or experience is substantially equivalent to the requirements established by law and regulations of the respective board for the issuance of any license, permit, certificate, or other document, however styled or denominated, required for the practice of any business, profession, or calling in the Commonwealth.
- HB 195 (Lynwood W. Lewis) - Requires the governing boards of each public institution of higher education to implement policies that award academic credit to students for educational experience gained from military service.
- HB 548 (Barbara J. Comstock) - Requires public institutions of higher education to implement policies that recognize the scheduling difficulties and obligations of active duty military personnel.
- HB 640/SB 190 (Christopher P. Stolle/John C. Miller) - Clarifies language relating to enrollment of students pursuant to a special power of attorney to correspond to language in the Interstate Compact on Educational Opportunity for Military Children.
- HB 253 (Christopher P. Stolle) - Adds the surviving spouse or child of a veteran killed in the line of duty to the preference in state employment for veterans. The bill defines child to mean a person under the age of 27 years.

The following bills did not pass the 2012 General Assembly, but were noted:

- SB 269 (Thomas K. Norment) - Requires local school boards to accept participation in the Junior Reserve Officers Training Corps as fulfillment of any high school physical education requirement.
- SB 605 (Jeffrey L. McWaters) - Provides that, for current and former military personnel and their dependents, the intent to attend a public institution of higher education in the Commonwealth is sufficient for the

purpose of establishing domiciliary intent and determining eligibility for in-state tuition rates.

- HB 644 (Christopher P. Stolle) - Provides that any member of the Virginia National Guard residing in Virginia shall be eligible for in-state tuition at a public institution of higher education. This is broader than the current provision, which requires a guard member to be (i) activated or mobilized or on temporary active orders for six months or more, (ii) stationed or assigned by military service to a work location in Virginia, and (iii) residing in Virginia.
- SB 508 (Frank W. Wagner) - Provides that any member of the Virginia National Guard residing in Virginia who is not eligible for in-state tuition shall be eligible for a grant for an amount up to the difference between in-state and out-of-state tuition, to the extent funds are available for such purpose.

The Council members also received a briefing from Dr. Judith Douglas, director of dispute resolution and administrative services at the Virginia Department of Education, on the transfer of military children with disabilities and special education protections. Dr. Douglas discussed common complaints regarding the transfer of children with special education needs, what the law says regarding transfer students, who is responsible for consultation, what "consultation" means in terms of determining comparable services, what "comparable services" means, and what resources are available to parents in a dispute. She distributed a briefing and frequently asked questions which are available [here](#).

Council members noted that transfers of special education students are a particularly difficult issue for military families because their children move more frequently than traditional students. Members discussed the need for additional information on issues dealing with the education of military children and training on special education regulations for local special education directors. A Council member asked for clarification on the number of complaints the Dispute Resolution and Administrative Services Office receives. Dr. Douglas replied that the office processes about 200 complaints a year, with about 5% from military connected families. The dispute resolution office also processes about 500 inquiries a year (requests for information regarding the application of regulations as opposed to official complaints), and about one third are from military families. Another member asked how the receiving state is notified of a student currently in mediation in the sending state. Dr. Douglas noted that this information should be included in the student's educational records shared with the receiving school, and often times the parents notify the receiving school.

Melissa Luchau, military family education liaison, provided the Council members a brief update on Military Interstate Children's Compact Commission (MIC3) issues and training opportunities for school personnel. Ms. Luchau indicated MIC3 will consider a rule change related to kindergarten eligibility at their annual fall meeting. 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 proposed rule change will be posted on the [MIC3 Web site](#) for public comment at least 30 days before the MIC3 meeting in November 2012. Council members noted their continued opposition to the proposed rule change and plan to submit public comment.

Ms. Luchau noted several trainings provided to school personnel on the Interstate Compact, including the School Support Services Workshop at Ft. Belvoir in April, and the Leadership Summit at MCB Quantico in February. A power point for training school administrators, teachers, and guidance counselors is available [online](#) and has been distributed to school liaison officers.

Council members discussed the need for additional trainings, particularly in the Hampton Roads and Central Virginia regions of the Commonwealth. A Council member noted that school liaison officers can partner with others who have put on such trainings to develop programs in their respective areas. Another suggestion included reaching out to school divisions with cable channels to possibly run brief trainings on their channels. Another Council member also noted the importance of interfacing between education and veterans' organizations, and reaching out to pre-service institutions.

The Council then received public comment from two members of the audience. The first commenter suggested working with the military's transfer process to provide brief training videos about the Interstate Compact. Another individual noted her appreciation for the Interstate Compact and its impact on her son's ability to graduate on-time.

Senator Miller closed the meeting by thanking the Council members and guests. The next meeting of the Virginia Council for the Interstate Compact on Educational Opportunity for Military Children is scheduled for July 18, 2012.

Presentation materials from the meeting can be found at:  
[http://www.doe.virginia.gov/support/student\\_family/military/va\\_council/index.shtml](http://www.doe.virginia.gov/support/student_family/military/va_council/index.shtml).