SENATE OF VIRGINIA

JOHN MILLER
1ST SENATORIAL DISTRICT
ALL OF THE CITY OF POQUOSON; PART OF
YORK COUNTY; AND PART OF THE CITIES OF
HAMPTON AND NEWPORT NEWS
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COMMITTEE ASSIGNMENTS:
EDUCATION AND HEALTH
GENERAL LAWS AND TECHNOLOGY
REHABILITATION AND SOCIAL SERVICES
TRANSPORTATION

December 20, 2011

The Honorable Robert F. McDonnell
Governor of Virginia
1111 East Broad Street
Richmond, Virginia 23219

Members of the Virginia General Assembly
General Assembly Building
Richmond, Virginia 23219

Dear Governor McDonnell and Members of the General Assembly:

As Chairman of the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children and in accordance with § 22.1-361, *Code of Virginia*, I am pleased to submit an executive summary of the interim activity and work of the Virginia Council for 2011.

The Virginia Council may consider any and all matters related to the Interstate Compact on Educational Opportunity for Military Children which seeks to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. The executive summary provides information regarding the four meetings that the Virginia Council convened in 2011, as well as other actions that were taken during 2011 to disseminate information regarding the Compact to school divisions, military families, and other affected entities. Included in the appendix of the executive summary are presentations that were made to the Council during 2011.

The Virginia Council is grateful for the support that the Governor and General Assembly give to the dependents of military families in the Commonwealth, especially as they transition in and out of our great public schools.

Sincerely,

Senator John C. Miller
1st District

2011
Annual Executive Summary of the
Interim Activity and Work of the

Virginia Council on the Interstate Compact on Educational Opportunity for Military Children

Presented to
the Governor
and the General Assembly

December 20, 2011

Members of the
Virginia Council on the Interstate Compact
on Educational Opportunity for Military Children

as of July 1, 2011

Dr. William C. Bosher Jr., Distinguished professor of public policy at the Wilder School of Government and Public Affairs of Virginia Commonwealth University

Professor Marlena E. Bremseth, Military spouse and mother

Dr. Bobby R. Browder, Superintendent of Prince George County Public Schools

The Honorable M. Kirkland Cox, Virginia House of Delegates

Ms. Susan McIntosh, Education Services Officer, Marine Corps Base Quantico

Dr. James G. Merrill, Superintendent of Virginia Beach Public Schools

The Honorable John C. Miller, Senate of Virginia (Council Chairman)

Dr. Patricia I. Wright, Superintendent of Public Instruction

Statutory Requirements for the Executive Summary

The *Code of Virginia*, § 22.1-361 states:

> The chairman of the Virginia Council shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Virginia Council no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Executive Summary

Introduction

The Virginia Council on the Interstate Compact on Educational Opportunity for Military Children was created in 2009 to consider any and all matters related to the Interstate Compact on Educational Opportunity for Military Children. The Military Compact seeks to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. The Compact addresses such issues as timely enrollment and placement, on-time graduation, and sharing of information between states to ensure a smooth transition for dependents of military families as they move in and out of public schools in the Commonwealth.

In nearly every community in Virginia, there are children with parents or guardians on active duty with the armed forces. In fact, Virginia leads the nation – with nearly 80,000 – in the number of students with military ties. The average military student faces transition challenges more than twice during high school and most military children will attend six to nine different school systems in their lives from kindergarten to 12th grade. The Compact therefore seeks to make transition easier for the children of military families so that they are afforded the same opportunities for educational success as other children and are not penalized or delayed in achieving their educational goals.

2011 was an active year for the Virginia Council as they worked to disseminate information about the Military Compact to military families, school divisions, and other interested entities. The Virginia Council held four meetings in 2011, and has taken on many important issues related to the education of children of military families. The military family education liaison, on behalf of the Virginia Council, spoke at numerous events and worked with educational partners to spread the word about the Military Compact and answer questions about its implementation in the Commonwealth. The Virginia Department of Education, on behalf of the Virginia Council, also issued numerous guidance documents to assist school divisions as they work with military families. This executive summary provides an overview of the work of the Council in 2011.

Virginia Council Meetings

The Virginia Council on the Interstate Compact on Educational Opportunity for Military Children held four public meetings in 2011. The meetings were attended by school liaison officers, school representatives, educational organizations, Virginia Department of Education (Department) staff, and other members of the public. The meetings' agendas have covered a number of issues related to the education of children of military families in the Commonwealth. Additional detail about each meeting is included below:

- *January 5, 2011 Virginia Council Meeting* – This meeting featured remarks from Dr. Bobby Browder, Superintendent of Prince George County Public Schools, on working with the military to assist families; a presentation from The Virginia High School League on policies affecting students in military families; an update from Department staff on upcoming guidance documents related to out-of-state tests, enrollment in kindergarten, and the role of Department of Defense schools; and an update on the communications plan for the Virginia Council.

- *May 4, 2011 Virginia Council Meeting* – This meeting featured an update from Department staff on guidance documents issued related to alternative provisions for military transfer students to meet graduation requirements, treating students transferring from Department of Defense schools for the purpose of implementing the Interstate Compact, and assisting military transfer students in meeting graduation requirements. The meeting also featured a presentation from Mr. Dennis Jarrett, the Chief Financial Officer for York County Public Schools on best practices for obtaining impact aid. Several school officials also served on a panel to discuss how best to assist military transfer students as they enter Virginia public schools. The meeting concluded with an update on the Council's communications plan.

- *August 22, 2011 Virginia Council Meeting* – The third Council meeting consisted of a presentation by Virginia Advanced Study Strategies on the National Math and Science Initiative to outreach to students in military families; a presentation from the "Serving our Service Members Families" Initiative; a policy update from the military family education liaison on guidance issued by the Department related to kindergarten enrollment, and the upcoming Military Interstate Children's Compact Commission meeting; and a legislative briefing on potential legislation related to special power of attorney issues.

- *December 8, 2011 Virginia Council Meeting* – This meeting included an update from Department staff on the Military Interstate Children's Compact Commission Annual meeting; an update from Chairman Miller about eligibility issues related to the Virginia High School League; and a review of the Virginia Council's annual executive report to the Governor and General Assembly.

Military Family Education Liaison

Pursuant to § 22.1-361, the Department of Education employed a military family education liaison to provide staff support to the Virginia Council and to assist military families and the state in facilitating the implementation of the Compact.

The military family education liaison provides for the coordination among state agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, the Interstate Compact on Educational Opportunity for Military Children. A key function of the position is to assist military families and local education agencies in implementation of the Compact to ensure a smooth academic transition for military children in the Commonwealth of Virginia. The liaison works with families and school divisions to resolve problems related to educational records and enrollment, course placement, graduation requirements, and other important issues. The liaison also serves as a policy consultant on issues related to military transfer students, including drafting guidance documents for distribution to school divisions, maintains communication with school liaison officers, and maintains the military resources' Web pages.

Dissemination of Information

Through a variety of mediums, the Department of Education, on behalf of the Virginia Council, has disseminated timely and relevant information related to the education of military children to school divisions, school liaison officers, military organizations and other important stakeholders.

- *Dedicated Web page* – The Department of Education, on behalf of the Virginia Council, has developed and maintained a Web page dedicated to the Military Compact (http://www.doe.virginia.gov/support/student_family/military/index.shtml) with resources for military families including guidance documents issued by the Superintendent of Public Instruction to Virginia school divisions related to the Compact. The resource page also includes links to relevant legislation, contact information for school liaison officers, and links to external resources and military affiliated organizations. The Department has also maintained a Web page dedicated to the Virginia Council (http://www.doe.virginia.gov/support/student_family/military/va_council/index.shtml). This Web page includes the Council's meeting schedule, agendas and minutes from previous meetings, and presentations given at Council meetings. Both Web pages are updated regularly.

- *Superintendent's Memoranda* – The Department of Education, on behalf of the Virginia Council, has issued numerous Superintendent's Memoranda to school divisions related to implementation of the Compact. The Department issues these guidance documents when school divisions need clarity on how they should address particular provisions of the Compact. In 2011, the Department issued four guidance documents to clarify provisions of the Compact.

1. Alternate Provisions for Military Transfer Students to Meet Graduation Requirements – This memo, issued April 1, 2011, provides direction to school divisions regarding how the compact provisions should be applied for awarding course credit to students in military families. Many questions arose regarding the awarding of verified credit for out-of-state tests, particularly as they relate to existing Board regulations, the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. This guidance document is consistent with an advisory opinion issued by the Military Interstate Children's Compact Commission (MIC3) February 9, 2011.

2. Guidance for Treating Students Transferring from Department of Defense (DOD) Schools for the Purpose of Implementing the Interstate Compact – This memo, issued April 15, 2011, clarifies that although DOD schools are not officially part of the Compact, school divisions should work with families of students transferring from DOD schools just as they would if the student were transferring from a school in another state. This guidance document is consistent with an advisory opinion issued by the Military Interstate Children's Compact Commission (MIC3) February 9, 2011.

3. Providing Flexibility to Military Transfer Students to Facilitate On-Time Graduation – This memo, issued April 29, 2011, clarifies that Virginia LEAs are encouraged to provide maximum flexibility to military transfer students who fall under the provisions of the compact in terms of facilitating on-time graduation. However, this memo should not be interpreted to mean that military transfer students should be exempted from required coursework if there is ample time for them to complete the course, and the student has not taken a comparable course in their sending LEA.

4. Guidance for Enrollment in Kindergarten for Military Children – This memo, issued July 15, 2011, clarifies that a prospective kindergarten student 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 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. This guidance document is consistent with an advisory opinion issued by the Military Interstate Children's Compact Commission (MIC3) February 9, 2011.

- *Educational Events* – The Department of Education, on behalf of the Virginia Council, has presented information about the Compact and the Virginia Council to educational organizations at the following events:

    1. Education Leadership Summit – Virginia Department of Education staff, on behalf of the Virginia Council, attended a leadership summit, hosted by MCB

Quantico, for military personnel, school division staff, and school liaison officers on April 13, 2011. The Summit provided information to school leaders about the unique support needed for military service members and their families during all stages of transition and deployment and included a presentation on the Compact. On behalf of the Virginia Council, Department staff provided a DVD copy of the School Leadership Summit to every school division and encouraged school divisions to partner with other local divisions to host similar summits statewide.

2. Virginia Association of Secondary School Principals (VASSP) – Department staff, on behalf of the Virginia Council, attended the annual meeting of VASSP and made a presentation on the provisions of the Military Compact and how it may affect students in their school.

3. Partners in Education – The military family education liaison, on behalf of the Virginia Council, gave a presentation on the Military Compact at the "Partners in Education" event hosted at Ft. Belvoir September 22, 2011. School administrators, teachers, counselors, and military families attended the event to learn about the Military Compact.

4. Department of Education Instruction Division – The military family education liaison, on behalf of the Virginia Council, gave a presentation on the Military Compact to members of the Instruction Division at the Virginia Department of Education, September 27, 2011. The presentation included facts about military families in the United States and Virginia, tips on assisting military families and an overview of the Military Compact provisions.

5. Joint Military Services School Liaison Committee – The military family education liaison, on behalf of the Virginia Council, attended the annual meeting of the Joint Military Services School Liaison Committee at JBLE Fort Eustis November 9, 2011. The military family education liaison, on behalf of the Virginia Council, updated the school liaison officers from the Hampton Roads region on issues related to the Military Compact including recent guidance document and the upcoming Military Interstate Children's Compact Commission meeting.

- *Communication with School Liaison Officers* – In an effort to increase communication with the school liaison officers, the military family education liaison held a conference call July 27, 2011. The conference call served as an opportunity to discuss any issues with implementation of the Military Compact in between the May and August Virginia Council meetings. The military family education liaison also keeps in touch with school liaison officers regularly via e-mail and individual phone calls as necessary to assist military families.

Partnerships with Other Organizations

The Department of Education, on behalf of the Virginia Council, has partnered with several organizations in 2011 to disseminate information about the Military Compact and resources provided by the military family education liaison, identify additional resources that are available to military families, and coordinate the assistance of children of military families.

- *Virginia Operation Military Kids* – The military family education liaison serves on the State Team for Operation Military Kids (OMK) in Virginia. OMK creates state and local community support networks for military youth when military parents are deployed, and delivers a wide range of recreational, social and educational programs for military youth. The military family education liaison keeps the OMK State Team updated on any education related policies that affect children of military families. The OMK State Team meets monthly to discuss ways to better assist military families and educate the public on the impact of the deployment cycle on service members, families, kids, and the community as a whole.

- *"Serving our Service Member Families" Initiative* – The Serving our Service Member Families (SOS) Initiative was launched by First Lady of Virginia Maureen McDonnell in 2010. The SOS partnership network is focused on serving and supporting servicemen and women and their families. SOS connects these 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. The military family education liaison serves on the SOS workgroup, providing an opportunity for open communication and the sharing of ideas among the many organizations who work with and for military families. The SOS work group met July 20, 2011 and October 20, 2011.

- *Virginia Military Advisory Council (VMAC) and the Quality of Life Subcommittee* – Department staff, on behalf of the Virginia Council, attend the quarterly VMAC meetings and participate on the Quality of Life subcommittee. The quality of life subcommittee discusses issues such as education, child care, and employment which are important to the quality of life for all military families.

Military Interstate Children's Compact Commission

The Military Interstate Children's Compact Commission (MIC3) is the national organization that oversees the implementation of the Interstate Compact on Educational Opportunity for Military Children. Each state in the Compact is represented by a Compact commissioner at annual meetings and quarterly subcommittee meetings. The Department of Education, on behalf of the Virginia Council, is in regular communication with MIC3 to disseminate policy information related to the Military Compact. The military family education liaison also works with Commission staff in some cases where a military family's transfer in or out of Virginia schools needs assistance.

- *MIC3 Annual Meeting* - The 4th Annual Meeting of the Interstate Commission on Educational Opportunities for Military Children took place in Louisville, Kentucky November 13-15, 2011. The meeting expanded on previous years, bringing together experienced members who shared their experiences with those recently appointed.

  A central portion of the annual meeting included discussion of two proposed rule changes. The first proposal related to the dues formula for states; it clarified that the dues are based on where a military child "resides" and it set a ceiling and a floor amount for dues. The second proposal related to enrollment in kindergarten. The proposed rule 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 would be inconsistent with an advisory opinion previously issued by MIC3 and guidance issued by the Department of Education in light of that advisory opinion.

  Prior to the MIC3 meeting, the proposed rule changes were discussed at the August 22 Virginia Council meeting. The Virginia Council unanimously passed a motion to support the MIC3 advisory opinion issued on kindergarten enrollment, 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.

  Following the August 22, 2011, Virginia Council meeting and the motion to support the current Department position on kindergarten enrollment, the military family education liaison notified school liaison officers and other stakeholders about the public comment period related to the two proposed rule changes. Senator John C. Miller, Chairman of the Virginia Council offered public comment in opposition of the proposed rule change related to kindergarten enrollment.

  There was a lengthy discussion of both proposed rule changes by state commissioners at the MIC3 meeting in November. The first proposal related to the dues formula passed; it clarified that the dues are based on where a military child "resides" and it set a ceiling and a floor amount for dues. The second proposal related to kindergarten enrollment was tabled by the commissioners. The proposal was referred back to the Rules Committee, where the committee will decide if the issue should move forward and in what manner before the 2012 MIC3 meeting. Virginia will continue to operate under their current policy.

  The MIC3 meeting also included opportunities for states to share information on reciprocity for end of year and exit exams, how to involve the guard and reserve members of the military, best practices for the state Council, and working with the Department of Defense. The commissioners also voted to increase the promotion and training budget.

The next MIC3 meeting will take place in Charleston, South Carolina November 15-17, 2012.

Conclusion

Throughout 2011, the Virginia Council has taken on many important issues related to the education of children of military families. The Council made clear their intent to enroll military children in kindergarten if they were registered to attend kindergarten in their sending state. The Council provided best practices to school divisions on securing impact aid they are eligible for, and ensured eligibility in extracurricular activities for military children who are living with guardians. The Virginia Council suggested legislation to clarify that special power of attorney is sufficient to enroll children of military families in school, and offered guidance to school divisions about alternative provisions for children of military families to meet graduation requirements.

The Virginia Council was active in disseminating information about the Military Compact and issues critical to the education of children of military families. The military family education liaison, on behalf of the Virginia Council, spoke at numerous events and worked with educational partners to spread the word about the Military Compact and answer questions about its implementation in the Commonwealth. The Department also issued numerous guidance documents to assist school divisions as they work with military families.

In nearly every community in Virginia, there are children with parents or guardians on active duty with the armed forces. While their parents honorably serve our nation and our Commonwealth, we should recognize military children's contributions and celebrate their spirit. The Virginia Council on the Interstate Compact on Educational Opportunity for Military Children is proud to recognize the service of our military servicemen and women, their families and their children.

Appendix

Guidance Documents

A. Guidance for Enrollment in Kindergarten for Military Children
B. Providing Flexibility to Military Transfer Students to Facilitate On-Time Graduation
C. Guidance for Treating Students Transferring from Department of Defense (DOD) Schools for the Purpose of Implementing the Interstate Compact
D. Alternate Provisions for Military Transfer Students to Meet Graduation Requirements

Meeting Agendas, Minutes and Presentations

E. January 5, 2011 Meeting Materials
F. May 4, 2011 Meeting Materials
G. August 22, 2011 Meeting Materials
H. December 8, 2011 Meeting Materials

Appendix A

Guidance for Enrollment in Kindergarten for Military Children

Superintendent's Memo #193-11

COMMONWEALTH of VIRGINIA
Department of Education

July 15, 2011

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

SUBJECT: Guidance for Enrollment in Kindergarten for Military Children

Virginia is one of 39 states that are members of the Interstate Compact on Educational Opportunity for Military Children. The provisions of the interstate compact may be found in §22.1-360 of the *Code of Virginia.*

Some questions have arisen regarding the enrollment of military children in kindergarten when the child has not started school, but the intent is that the child would be attending kindergarten in an out-of-state local education agency (LEA), if the military transfer had not taken place. Further, if the child was registered in kindergarten in the out-of-state LEA, would this action suffice as enrollment even if the child never actually attended kindergarten in the out-of-state LEA? This memorandum provides direction to school divisions regarding how the compact provisions should be applied for enrolling military children, who fall under the provisions of the interstate compact, in kindergarten when the child has not started school.

Provisions of the Compact

The provisions of the compact apply only to students in military families transferring into Virginia from an out-of-state LEA. The provisions of the compact do not apply to military families transferring from one school division in Virginia to another.
Military families transferring into Virginia to whom the compact applies must meet the following criteria, as set forth in §22.1-360:

Article III. Applicability.

A. *Except as otherwise provided in subsection B, this compact shall apply to the children of:*

1. *Active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211;*

2. *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*
3. *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.*

B. *The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.*
[Article II states: "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through 12th grade public educational institutions.]

C. *The provisions of this compact shall not apply to the children of:*

1. *Inactive members of the National Guard and Military Reserves;*
2. *Members of the uniformed services now retired, except as provided in subsection A;*
3. *Veterans of the uniformed services, except as provided in subsection A; and*
4. *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.*

The compact also addresses kindergarten enrollment specifically. It states, in Article IV, Section D of §22.1-360:

D. Kindergarten and first grade entrance age. Students shall be allowed to continue their enrollment at the grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of minimum age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of minimum age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from a local education agency in the sending state.

Virginia's Implementation of the Military Compact

Educational Enrollment - Prospective kindergarten students who have not yet started school prior to transition

While a student may have been eligible for enrollment in the sending state, had the parental military transfer not taken place, the question arises whether the student would be eligible for enrollment in kindergarten in the receiving state (Virginia) regardless of age under Article IV, Section D.

The key to determining whether a prospective kindergarten student, who has not yet started school in the sending state prior to transfer, can enroll in kindergarten in the receiving state regardless of their age, is determining if the student is continuing their enrollment.

Under the provisions of the compact, §22.1-360, *Code of Virginia*, a prospective kindergarten student who has not yet started school prior to transition, even if eligible for enrollment in the sending state, cannot be said to be in the act of continuing their enrollment since no affirmative act has taken place by which such a student has started the enrollment process.

However, in a situation in which a military child who falls under the provisions of the interstate compact has registered for kindergarten in the sending state prior to transfer, even if the child never actually attended kindergarten in the sending state's LEA, the student would be eligible to enroll in kindergarten in the receiving state (Virginia). The registration constitutes an affirmative act of enrollment, such as recording their name and contact information with the sending state's LEA.

While registration is not defined in the *Code*, it is generally meant as the process of enrolling an individual for a program. Although the process may vary by division, kindergarten registration typically includes providing a copy of the child's birth certificate, parent or legal guardian's proof of address, completed school entrance health form, and photo ID of the parent or legal guardian to the enrolling school division.

A military child who falls under the provisions of the interstate compact and who has registered for kindergarten in the sending state prior to transfer, should be considered as meeting the requirements for school age, and thus should be counted towards average daily membership (ADM) in the receiving Virginia LEA.

This memo does not impact students who meet the age requirements for enrollment in kindergarten set out in section §22.1-199 of the *Code*.

In summary, a prospective kindergarten student 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 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.

Questions about the Interstate Compact on Educational Opportunity for Military Children may be directed to Melissa Luchau, military family education liaison, via e-mail at Melissa.Luchau@doe.virginia.gov Melissa.Luchau@doe.virginia.gov, or telephone at (804) 225-4849.

PIW/mll/kfg

Appendix B

Providing Flexibility to Military Transfer Students to Facilitate On-Time Graduation

Superintendent's Memo #128-11

COMMONWEALTH of VIRGINIA
Department of Education

April 29, 2011

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

SUBJECT: Providing Flexibility to Military Transfer Students to Facilitate On-Time Graduation

Virginia is one of 36 states that are members of the Interstate Compact on Educational Opportunity for Military Children. The provisions of the interstate compact may be found in § 22.1-360 of the *Code of Virginia*.

This memorandum provides direction to school divisions in providing flexibility to military transfer students who fall under the provisions of the compact in terms of facilitating on-time graduation.

Provisions of the Compact

The provisions of the compact apply only to students in military families transferring into a Virginia public school division from a local education agency (LEA) in another state, as defined in Article II of the compact, or from a school operated by the Department of Defense Education Activity (DoDEA). The provisions of the compact do not apply to military families transferring from one school division in Virginia to another.

Military families transferring into Virginia to whom the compact applies must meet the following criteria, as set forth in § 22.1-360:

Article III. Applicability.

A. *Except as otherwise provided in subsection B, this compact shall apply to the children of:*

1. *Active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211;*
2. *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*

3. *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.*

B. *The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.*

[Article II states: *"Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through 12th grade public educational institutions.*]

C. *The provisions of this compact shall not apply to the children of:*

1. *Inactive members of the National Guard and Military Reserves;*
2. *Members of the uniformed services now retired, except as provided in subsection A;*
3. *Veterans of the uniformed services, except as provided in subsection A; and*
4. *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.*

The compact also addresses graduation requirements. It states, in Article VII of § 22.1-360:

Article VII. Graduation.

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. *Waiver requirements. Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.*

B. *Exit exams. States shall accept: (i) exit or end-of-course exams required for graduation from the sending state, (ii) national norm-referenced achievement tests, or (iii) alternative testing acceptable to the receiving state, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state, then the provisions of subsection C of this Article shall apply. Within 12 months of the effective date of this compact, the Interstate Commission shall adopt a rule addressing the acceptance of exit exams.*

C. *Transfers during senior year. Should a military student transferring in his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending local education agency, with the cooperation of the receiving local education agency, shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with subsections A and B of this Article.*

Provisions of the Virginia Board of Education's Regulations

The Virginia Board of Education's *Regulations Establishing Standards for Accrediting Public Schools in Virginia* include a provision for transfer students in 8VAC20-131-60 . Subsection D says, in part: "Nothing in these standards shall prohibit a public school from accepting standard units of credit toward graduation awarded to students who transfer from all other schools when the courses for which the student receives credit generally match the description of or can be substituted for courses for which the receiving school gives standard credit, and the school from

which the child transfers certifies that the courses for which credit is given meet the requirements of 8VAC20-131-110 A."

Subsection G goes on to say: "Students entering a Virginia public high school for the first time after the tenth grade shall earn as many credits as possible toward the graduation requirements prescribed in 8VAC20-131-50. However, schools may substitute courses required in other states in the same content area if the student is unable to meet the specific content requirements of 8VAC20-131-50 without taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated."

Subsection F of 8 VAC 20-131-60 further provides that "Students transferring above the tenth grade from schools or other education programs that do not require or give credit for health and physical education shall not be required to take these courses to meet graduation requirements."

Virginia's Implementation of the Military Compact

There are many situations in which a sending state's graduation requirements are different from Virginia's graduation requirements. Virginia LEAs are encouraged to provide maximum flexibility to military transfer students who fall under the provisions of the compact in terms of facilitating on-time graduation.

In situations where military students transfer into Virginia with less than the required credits for graduation, as stated in the Virginia Board of Education's *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-50.B), the receiving LEA has two options, as outlined in Article VII., Section A. of the compact:

1. Waive the specific courses required for graduation if similar coursework has been satisfactorily completed in the sending LEA.
2. Deny the waiver and provide reasonable justification for denial.

The flexibility to waive requirements for comparable coursework is at the discretion of the receiving LEA, and divisions are encouraged to carefully examine a student's transcript to identify similar coursework taken in any sending LEA. However, this memo should not be interpreted to mean that military transfer students should be exempted from required coursework if there is ample time for them to complete the course, and the student has not taken a comparable course in their sending LEA. When the receiving LEA has determined that military transfer students have taken similar courses to meet graduation requirements in the sending LEA, the receiving Virginia LEA is encouraged to provide maximum flexibility in giving credit for coursework successfully completed in any sending LEA.

Article VII, Section A. of the compact also vests reasonable discretion in the receiving state's LEA, by allowing them to deny a waiver request, as long as there is a reasonable justification. Under the provisions of the compact, if a waiver is not granted to a student who would qualify to graduate from the sending school, the receiving LEA must offer an alternative means of acquiring required coursework so that graduation may occur on time. This alternative can include online coursework, among other things to provide flexibility for the transferring student.

Specifically for physical education graduation requirements, as stated in the Virginia Board of Education's *Regulations Establishing Standards for Accrediting Public Schools* (8 VAC 20-131-60), military students transferring in their junior or senior year, from a school that does not require or give credit for health and physical education, should be treated in accordance with other transfer students in terms of waiving health and physical education requirements for graduation. Students covered under the compact that transfer into a Virginia public school in their freshman or sophomore year would be subject to the waiver requirements covered in Article VII., Section A. of the compact. If a student has completed similar coursework in the out-of-state sending LEA, the receiving LEA in Virginia can waive the specific courses required. Also, if a waiver is denied or similar coursework has not been completed, the receiving LEA must offer an alternative means of acquiring required coursework so that graduation may occur on time.

If a military student transfers during their senior year and is ineligible to graduate from the receiving LEA after all alternatives have been considered, the sending LEA, in coordination with the receiving LEA, should ensure the granting of a diploma from the sending LEA, if the student meets the graduation requirements of the sending LEA.

Questions about the Interstate Compact on Educational Opportunity for Military Children may be directed to Melissa Luchau, military family education liaison, by e-mail at Melissa.Luchau@doe.virginia.gov, or by telephone at (804) 225-4849.

PIW/MLL/kfg

Appendix C

Guidance for Treating Students Transferring from Department of Defense (DOD) Schools for the Purpose of Implementing the Interstate Compact

Superintendent's Memo #110-11

COMMONWEALTH of VIRGINIA
Department of Education

April 15, 2011

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

SUBJECT: Guidance for Treating Students Transferring from Department of Defense (DOD) Schools for the Purpose of Implementing the Interstate Compact

Virginia is one of 36 states that are members of the Interstate Compact on Educational Opportunity for Military Children. The provisions of the interstate compact may be found in § 22.1-360 of the *Code of Virginia*.

Questions have arisen regarding the treatment of DOD schools located on military bases in the United States and in other parts of the world as local education agencies (LEAs) for purposes of students transferring from DOD schools into public schools in Virginia. This memorandum provides direction to school divisions regarding how to treat students transferring from DOD schools for the purpose of implementing the interstate compact.

Provisions of the Compact

The provisions of the compact apply only to students in military families transferring into Virginia. The provisions of the compact do not apply to military families transferring from one school division in Virginia to another.

Military families transferring into Virginia to whom the compact applies must meet the following criteria, as set forth in § 22.1-360:

Article III. Applicability.

A. *Except as otherwise provided in subsection B, this compact shall apply to the children of:*

1. *Active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211;*

2. *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*

3. *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.*

B. *The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.*

[Article II states: "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through 12th grade public educational institutions.]

C. *The provisions of this compact shall not apply to the children of:*

1. *Inactive members of the National Guard and Military Reserves;*

2. *Members of the uniformed services now retired, except as provided in subsection A;*

3. *Veterans of the uniformed services, except as provided in subsection A; and*

4. *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.*

Virginia's Implementation of the Military Compact

The compact defines a "local education agency" as a public authority established "by the state as an administrative agency to provide control of and direction for Kindergarten through Twelfth (12th) grade public educational institutions." Article III, B., provides that the provisions of the compact "shall only apply to local education agencies as defined in this compact."

DOD schools are not included in the definition of a "local education agency" and, although DOD schools are not officially part of the compact, school divisions should work with families of students transferring from DOD schools just as they would if the student were transferring from a school in another state. In summary, students transferring from DOD schools to a public school in Virginia, should be treated the same as any other military dependent transfers.

Additional information about transferring military dependents can be found in § 22.1-360, Article IV. (Educational Records and Enrollment), Article V. (Placement and Attendance), Article VI. (Eligibility), and Article VII. (Graduation).

Questions about the Interstate Compact on Educational Opportunity for Military Children may be directed to Melissa Luchau, military family education liaison, via e-mail at Melissa.Luchau@doe.virginia.gov, or by telephone at (804) 225-4849.

PIW/MLL/kfg

Appendix D

Alternate Provisions for Military Transfer Students to Meet Graduation Requirements

Superintendent's Memo #091-11

COMMONWEALTH of VIRGINIA
Department of Education

April 1, 2011

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

SUBJECT: Alternate Provisions for Military Transfer Students to Meet Graduation Requirements

Virginia is one of 36 states that are members of the Interstate Compact on Educational Opportunity for Military Children. The provisions of the interstate compact may be found in § 22.1-360 of the Code of Virginia.

Numerous questions have arisen regarding the awarding of verified credit for out-of-state tests, particularly as they relate to existing Board regulations, the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. Board regulations should be used as guidance for evaluating situations involving military transfer students, recognizing that the compact provisions are in the *Code of Virginia* and take precedence over regulations. This memorandum provides direction to school divisions regarding how the compact provisions should be applied for awarding course credit to students in military families.

Provisions of the Compact

The provisions of the compact apply only to students in military families transferring into Virginia. The provisions of the compact do not apply to military families transferring from one school division in Virginia to another.

Military families transferring into Virginia to whom the compact applies must meet the following criteria, as set forth in § 22.1-360:

Article III. Applicability.

A. *Except as otherwise provided in subsection B, this compact shall apply to the children of:*

1. *Active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211;*

2. *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*
3. *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.*

B. *The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.*
[Article II states: *"Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through 12th grade public educational institutions.*]

C. *The provisions of this compact shall not apply to the children of:*

1. *Inactive members of the National Guard and Military Reserves;*
2. *Members of the uniformed services now retired, except as provided in subsection A;*
3. *Veterans of the uniformed services, except as provided in subsection A; and*
4. *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.*

Several questions have arisen regarding the treatment of federal Department of Defense (DOD) schools, located on military bases in the United States and in other parts of the world. DOD schools are not included in the definition of a "local education agency" but even though DOD schools are not officially part of the compact, school divisions should work with families of students transferring from DOD schools just as they would if the student were transferring from a school in another state.

The compact also addresses graduation requirements, as well as end-of-course and exit tests required for graduation. It states, in Article VII of § 22.1-360:

Article VII. Graduation.

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. *Waiver requirements. Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.*

B. *Exit exams. States shall accept: (i) exit or end-of-course exams required for graduation from the sending state, (ii) national norm-referenced achievement tests, or (iii) alternative testing acceptable to the receiving state, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be*

accommodated by the receiving state, then the provisions of subsection C of this Article shall apply....

C. *Transfers during senior year. Should a military student transferring in his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending local education agency, with the cooperation of the receiving local education agency, shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with subsections A and B of this Article.*

Virginia's Implementation of the Military Compact

Testing Requirements

Students Meeting Graduation Testing Requirements in the Sending State - Under the provisions of the compact, § 22.1-360, Code of Virginia, school divisions **shall** accept a sending state's high school end-of-course or exit exams for the purpose of meeting Virginia's testing requirements for graduation for students in military families who meet the criteria, as set forth in § 22.1-360 and who moved to Virginia from the sending state **after meeting that sending state's testing requirements for graduation.**

So long as the student achieved passing scores on all the sending state's tests required for graduation, the student is not required to pass any additional tests in order to graduate in Virginia. However, if the sending state does not require students to pass end-of-course or exit tests in order to graduate, or if the student is required to take a test or tests but the state has not set a specified cut score or passing score, the student must meet the testing requirements as prescribed in the Board's *Regulations Establishing Standards for Accrediting Public Schools in Virginia* http://www.doe.virginia.gov/boe/accreditation/soa.doc, in particular 8 VAC 20-131-30, 8 VAC 20-131-50, and 8 VAC 20-131-60.

The applicable standard credits for awarding a Virginia high school diploma must be earned by the students.

Students Not Meeting Graduation Testing Requirements in the Sending State - If the student has **not** fully met the sending state's testing requirements for graduation before moving to Virginia, school divisions **shall** accept the following tests from the sending state for purpose of awarding a Virginia high school diploma. The required standard credits for awarding a Virginia high school diploma must be earned by all students.

- **End-of-course tests required for graduation by the sending state:** School divisions shall accept the sending state's content-based high school end-of-course tests required for graduation for the purpose of awarding verified credit in the same subject area to students in military families who transfer to Virginia public schools. When students transfer to a Virginia public school from a state that requires such high school end-of-course tests, the local school division **shall automatically accept** the student's passing scores on the tests

and the corresponding courses for the purpose of awarding verified credits in those subject areas to students of military families who transfer to Virginia from another state and who achieve a passing score on the sending state's test(s). The test does not have to be comparable to a Virginia Standards of Learning (SOL) test, so long as the test includes some content in the subject area. The verified credit(s) shall count towards the total number of verified credits required in that subject area.

The applicable standard credits for awarding a Virginia high school diploma must be earned by the students.

- **Exit tests required for graduation by the sending state:** When students transfer to a Virginia public school from a state that requires a comprehensive subject area examination as a testing requirement for graduation from high school, the school division **shall** accept the sending state's tests rather than end-of-course tests for students of military families who transfer to Virginia from another state and who achieve a passing score on the sending state's test(s) **if the test includes content in a subject for which a verified credit may be awarded.** The test does not have to be comparable to a Virginia Standards of Learning (SOL) test, so long as the test includes some content in the subject area. The required standard credits for awarding a Virginia high school diploma must be earned by all students.

  If the test includes some content from more than one subject, verified credits shall be awarded for every subject area covered by the test. For example, if the test includes some content from English reading and writing, the student shall be awarded two verified credits in English, one each in reading and writing. If the test just includes content from English reading, the student shall be awarded one verified credit in English reading.

  When students transfer to a Virginia public school from a state that requires such high school exit tests, the local school division **shall automatically accept** the student's passing score on the tests and the courses for the purpose of awarding verified credit(s) in the corresponding subject area(s).
  Students transferring to a Virginia public school will receive credit for work completed successfully in the sending state, but must still earn any standard and verified credits for any course that must be completed in order to earn a Virginia diploma in accordance with the Board's Regulations Establishing Standards for Accrediting Public Schools in Virginia http://www.doe.virginia.gov/boe/accreditation/soa.doc.

- ***National norm-referenced achievement tests:*** When students transfer to a Virginia public school from a state that requires a national norm-referenced achievement test, and that state education agency has set a "cut score" or passing score for the purpose of graduation, the school division **shall** accept the test for the purpose of awarding a verified credit if the test includes some content in a subject for which a verified credit may be awarded. If that state education agency has not set a cut score for the norm-referenced test, the test **may not be used** for the purpose of awarding a verified credit or earning a high school diploma.

  If the sending state has set a passing score on the test for the purpose of graduation, the test does not have to be comparable to an SOL test, so long as the test includes some

content in the subject area. If the test includes some content from more than one subject, verified credits shall be awarded for every subject area covered by the test. When students transfer to a Virginia public school from a state that requires such tests and has set a passing score for the test, the local school division shall automatically accept the student's passing score for the purpose of awarding verified credit(s) in the corresponding subject area(s).

Students transferring to a Virginia public school will receive credit for courses completed successfully in the sending state, but must still earn any standard and verified credits for any work that must be completed in order to earn a Virginia diploma in accordance with the Board's *Regulations Establishing Standards for Accrediting Public Schools in Virginia* http://www.doe.virginia.gov/boe/accreditation/soa.doc.

- ***Alternative testing acceptable to the receiving state, in lieu of testing requirements for graduation in the receiving state:*** Any substitute test approved by the Board of Education for verified credit http://www.doe.virginia.gov/testing/substitute_tests/substitute_tests_verified_credit.pdf shall be accepted in lieu of the applicable SOL assessments. In addition, industry certifications, occupational competency assessments, and licensure assessments approved by the Board of Education shall be accepted for the student-selected verified credit http://www.doe.virginia.gov/instruction/career_technical/path_industry_certification/cte_credentials/industry_certifications.pdf.

Applicability of 8 VAC 20-131-30.E. of the Regulations Establishing Standards for Accrediting Public Schools in Virginia:

8 VAC 20-131-30.E of the Board of Education's *Regulations Establishing Standards for Accrediting Public Schools in Virginia* states: "Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction." This regulation applies to all students, regardless of whether they have met the verified credit requirements for graduation or another state's testing requirements for graduation.

Verified Credit Requirements

The Board of Education has set forth alternative provisions for awarding verified credit in 8 VAC 20-131-110, *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, http://www.doe.virginia.gov/boe/accreditation/soa.doc, and in its companion *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia* http://www.doe.virginia.gov/boe/accreditation/soa-guidance-provisions.doc. **These regulations shall be used in determining the total number of verified credits that must be earned by students of military families who transfer to Virginia from another state and who have not fully met the sending state's graduation testing requirements.**

Virginia Board of Education *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-60, state the following:

- **G.** Students entering a Virginia public high school for the first time after the tenth grade shall earn as many credits as possible toward the graduation requirements prescribed in 8 VAC 20-131-50. However, schools may substitute courses required in other states in the same content area if the student is unable to meet the specific content requirements of 8 VAC 20-131-50 without taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated. In any event, no such student shall earn fewer than the following number of verified units, nor shall such students be required to take SOL tests or additional tests as defined in 8 VAC 20-131-110 for verified units of credit in courses previously completed at another school or program of study, unless necessary to meet the requirements listed in subdivisions 1 and 2 of this subsection:

    1. For a Standard Diploma or Standard Technical Diploma:

        a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8 VAC 20-131-50;

        b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of four verified units of credit: one each in English, mathematics, history, and science. Students who complete a career and technical education program sequence may substitute a certificate, occupational competency credential or license for either a science or history and social science verified credit pursuant to 8 VAC 20-131-50; and

        c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of two verified units of credit: one in English and one of the student's own choosing.

    2. For an Advanced Studies Diploma or Advanced Technical Diploma:

        a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8 VAC 20-131-50;

        b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of six verified units of credit: two in English and one each in mathematics, history, and science and one of the student's own choosing; and

        c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of four verified units of credit: one in English and three of the student's own choosing.

- **H.** Students entering a Virginia high school for the first time after the first semester of their eleventh grade year must meet the requirements of subdivision G 1 c or G 2 c of this

section. Students transferring after 20 instructional hours per course of their senior or twelfth grade year shall be given every opportunity to earn a Standard, Advanced Studies, or Modified Standard Diploma. If it is not possible for the student to meet the requirements for a diploma, arrangements should be made for the student's previous school to award the diploma. If these arrangements cannot be made, a waiver of the verified unit of credit requirements may be available to the student. The Department of Education may grant such waivers upon request by the local school board in accordance with guidelines prescribed by the Board of Education.

Questions about the interstate compact may be directed to Anne Wescott, assistant superintendent for policy and communications, or Michelle Vucci, director of policy, at (804) 225-2403 or Policy@doe.virginia.gov. Assessment-related questions may be directed to the student assessment staff at (804) 225-2102 or student_assessment@doe.virginia.gov.

PIW/ADW/jcj

Appendix E

January 5, 2011 Meeting Materials

Agenda
Virginia Council
Interstate Compact on Educational Opportunity for Military Children
January 5, 2011 at 2:00
4th Floor East Conference Room
General Assembly Building

I. Call to Order and Opening Remarks
Senator John C. Miller, Chairman

II. Working with the Military to Assist Families
Dr. Bobby Browder, Superintendent
Prince George County Public Schools

III. The Virginia High School League: Policies Affecting Students in Military Families
Mr. Tom Zimorski, Deputy Director
Virginia High School League

IV. Update: Out-of-State Tests, Enrolling in Kindergarten, and the Role of Department of Defense Schools
Anne Wescott and Michelle Vucci
Virginia Department of Education

V. Communications Plan
Anne Wescott
Virginia Department of Education

VI. Discussion: 2011 Session of the Virginia General Assembly
Committee Chairman and Members

VII. Public Comment

VII. Adjourn

Members:
The Honorable John C. Miller, Chairman
The Honorable M. Kirkland Cox
Dr. William C. Bosher, Jr.
Professor Marlena E. Bremseth
Dr. James G. Merrill
Dr. Winston O. Odom
Dr. Patricia I. Wright
Ms. Susan McIntosh, Ex-Officio

Virginia Council for the Interstate Compact on Educational Opportunity for Military Children

Minutes: January 5, 2011

Council members in attendance:

- Senator John C. Miller, Chair
- Delegate M. Kirkland Cox
- Dr. William C. Bosher Jr.
- Professor Marlena E. Bremseth
- Ms. Susan McIntosh
- Dr. James G. Merrill
- Dr. Winston O. Odom
- Dr. Patricia I. Wright

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

Working with the Military to Assist Families: Dr. Bobby Browder, Superintendent of Prince George County Public Schools, gave a presentation about how Prince George County Public Schools works to assist military families at Fort Lee. Fort Lee is expanding significantly and rapidly, and this has resulting in housing problems in that base housing may not be immediately available, and families moving from other communities in Virginia may have problems selling their house because of the economy. Therefore, some families may live in Chesterfield County, New Kent County, or other nearby counties, and the children are served by other school divisions until the families can locate base housing or housing near Fort Lee. As a result, students must transfer from one school division to another, which is disruptive and hampers a smooth transition. Enrolling the students before the families move would also be problematic because of transportation issues and enrollment policies.

Another issue for Prince George County Public Schools is impact aid. Since Fort Lee is expanding, and impact aid is based on the number of students, impact aid to nearby school divisions would increase. However, impact aid payments from the U. S. Department of Education typically lag by several years.

The Virginia High School League (VHSL): Policies Affecting Military Families: Mr. Tom Zimorski, Deputy Director, Virginia High School League, gave an overview of VHSL rules that may affect military families. VHSL's transfer rule prohibits the student 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. VHSL doesn't recognize the special power of attorney provision in §§ 22.1-3 and 22.1-360 of the *Code of Virginia* that permits a student to enroll in a school when the parent is deployed and the student is living with a relative or other person who has special power of attorney relative to the guardianship of the student, and executed under Title 10,

United States Code, § 1044b. VHSL doesn't currently have a waiver provision or an exception to this rule, although there is an appeals process. Council members urged VHSL to take another look at this policy as it relates to students whose parents have been deployed by the military.

Update: Out-of-State Tests, Enrolling in Kindergarten, and the Role of Department of Defense Schools: Anne Wescott reported that Virginia Department of Education staff is developing guidance to school divisions on these issues. The department is working closely with Interstate Commission on Educational Opportunities for Military Children and with local school divisions with large numbers of military families. The guidance will cover the treatment of tests taken in other states, coursework completed in other states and how it should be evaluated in Virginia Department of Department schools, and kindergarten entrance age.

Communications Plan: Anne Wescott briefed the council members on the communications plan and on the work the department has done to communicate the provisions of the compact and the work of the council. A copy of the current plan may be found at:
http://www.doe.virginia.gov/support/student_family/military/va_council/index.shtml.

Discussion: 2011 Session of the Virginia General Assembly: The council did not propose any legislation for the 2011 Session.

Senator Miller closed the meeting by thanking the council members.

Appendix F

May 4, 2011 Meeting Materials

Agenda

The Virginia Council on the Interstate Compact on Educational Opportunity for Military Children
May 4, 2011 at 2:00 pm
22nd Floor Conference Room, James Monroe Building
101 N. 14th Street, Richmond, Virginia

I. Call to Order and Opening Remarks
Senator John C. Miller, Chairman

II. Update on Guidance Documents from VA Department of Education to School Divisions
i. Alternative Provisions for Military Transfer Students to Meet Graduation Requirements
ii. Treating Students Transferring from Department of Defense (DOD) Schools for the Purpose of Implementing the Interstate Compact
iii. Assisting Military Transfer Students in Meeting Graduation Requirements
iv. Enrollment in Kindergarten
Michelle Vucci
Policy Director, Virginia Department of Education

III. Brief Overview of Impact Aid
Dennis Jarrett
Chief Financial Officer, York County Public Schools

IV. Panel Discussion: Assisting Military Transfer Students as they Enter Virginia Public Schools
Cheryl Hiett, Supervisor Secondary Counseling and Student Support Services, Prince William County Public Schools
Marian Leverette M.A.T., M.A.Ed, Mid-Atlantic Regional School Liaison Officer, Naval Station Norfolk
Alveta Green Mitchell, Ed.D., Director, Office of Guidance Services and Student Records, Virginia Beach City Public Schools

V. Publicizing the Compact and the Council
Overview of Current Work and Future Plans
Melissa Luchau
Military Family Education Liaison, Virginia Department of Education

Discussion
Members of the Council

VI. Public Comment

VII. Closing Remarks
Senator John C. Miller, Chairman

VIII. Adjourn

Virginia Council for the Interstate Compact on Educational Opportunity for Military Children
Minutes: May 4, 2011

Council Members in Attendance:

Senator John C. Miller, Chair
Dr. Patricia I. Wright, Superintendent of Public Instruction
Professor Marlena E. Bremseth
Dr. James G. Merrill, Superintendent of Virginia Beach Public Schools
Dr. Winston O. Odom, Superintendent of Hopewell City Public Schools

Council Members not in Attendance:

The Honorable M. Kirkland Cox, House of Delegates
Dr. William C. Bosher Jr.
Ms. Susan McIntosh

Department of Education Staff in Attendance:

Melissa Luchau, Military Family Education Liaison
Anne Wescott, Assistant Superintendent for Policy and Communications
Michelle Vucci, Director of Policy

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

Michelle Vucci provided the members with an update regarding recent guidance documents issued by the Department, on behalf of the Council. This guidance covers the treatment of: 1) tests taken in other states; 2) coursework completed in other states and how it should be evaluated in Virginia as it relates to on-time graduation; and 3) Department of Defense schools. Ms. Vucci also indicated that guidance would be issued soon regarding kindergarten entrance age. Ms. Vucci indicated that Virginia accepts a number of substitute tests for credit towards graduation and many of these tests are nationally recognized. Professor Bremseth asked a clarifying question about these tests. Guidance issued by the Department can be found at: http://www.doe.virginia.gov/support/student_family/military/index.shtml.

Dennis Jarrett, Chief Financial Officer for York County Public Schools, provided the members with an overview of the federal Impact Aid program. He provided a history of this program and how funding is sent from the federal government to individual school divisions to compensate the local school divisions for lost property tax revenue due to the presence of tax-exempt federal property. Mr. Jarrett also provided information regarding 'best practices' for the reporting of data by school divisions to the federal government to maximize the amount of the dollars distributed for Impact Aid. Senate Miller expressed an interest in contacting the federal government to express support for the program and

the need to fully fund the program to the best extent possible. Dr. Odom indicated that he would like to have more information on best practices.

There was a panel discussion regarding assistance provided to military transfer students as they are entering Virginia public schools. The following individuals participated:

- Cheryl Hiett, Supervisor of Secondary Counseling and Student Support Services, Prince William County Public Schools
- Marian Leverette, Mid-Atlantic Regional School Liaison Officer, Naval Station Norfolk
- Dr. Alveta Mitchell, Director – Office of Guidance Services and Student Records, Virginia Beach City Public Schools

Melissa Luchau moderated the panel and each member provided an overview of their responsibilities and of the assistance that they provide to military families coming to Virginia.

Ms. Luchau asked the members about what they thought were the most pressing issues/needs in their respective areas. Dr. Mitchell indicated that Virginia Beach provides a great deal of assistance in the area of helping children handle anxiety and helping with other transition issues. Ms. Hiett indicated that Prince William tries to provide as many resources as it can to military families, including camps where military children can enroll. Ms. Leverette indicated that school choice is an issue for the families that she works with and that she does get involved in deployment/custody issues. Panelists also indicated that they often assist military children with course placement and issues related to state assessments.

Ms. Luchau asked about challenges for families and improvements that could be made related to the compact. Dr. Mitchell responded that consistency of implementation is an issue. Ms. Hiett indicated that guidance issued has been helpful and that more information is needed regarding the graduation requirements in other states. (Senator Miller asked Ms. Luchau to contact the compact national office to obtain more information about other states' graduation requirements.) Ms. Leverette echoed this need and indicated that she would also like to have contact information for individuals in other states. Ms. Leverette also mentioned that interscholastic sports is an issue.

Professor Bremseth asked about how families deal with bullying and all panel members indicated that this is an important issue and programs are in place to help families. Dr. Odom asked Ms. Leverette about how many families are affected by the deployment of both parents. Ms. Leverette indicated that about 6 out of 10 families she works with may have both parents deployed.

Ms. Luchau then discussed the communications plan for the Council. She provided an overview of the activities that have taken place since the Council first met in early 2010 and discussed plans to provide information about the Council in 2011. Ms. Luchau also

discussed the work that has been done to enhance the resources that can be found on the Virginia Department of Education's Web site devoted the Compact.

The Council then received public comment from two members of the audience. One commenter asked about the role of local school boards and about working with local parent-teacher associations. Another commenter asked if the Council could consider working with federal government to have Impact Aid data released that is needed by states to understand the demographics of the population.

Dr. Odom announced his retirement as the Superintendent of Hopewell City Public Schools effective June 30, 2011, and his resignation from the Virginia Council. He thanked members of the Virginia Council for their outstanding work on behalf of military families.

Senator Miller announced that the next Virginia Council meeting will take place on August 22, 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.

OVERVIEW OF IMPACT AID

Presentation to: Virginia Council on the Interstate Compact on Educational Opportunity for Military Children

Presenter: Dennis R. Jarrett, CPA, CPFO
Chief Financial Officer
York County School Division

Date: May 4, 2011

Impact Aid Topics to be Discussed

1. Origin and how it differs from other federal education programs
2. Eligibility and funding categories
3. Federal appropriations
4. Best practices
5. Current issues

IMPACT AID – The Federal Government's Obligation to Local Communities

- The Impact Aid law was enacted in 1950
- The legislation noted that *"without continued federal help, more than 1.8 million children in these federally impacted areas would not receive normal school services....*
- ....Since the land is tax exempt, the federal government has not accepted *"the responsibility of the normal citizen in a community"* to meet its financial obligation to support public schools.....

Federal Presence Impact on a Community Tax Base

Examples include:

- Federally owned property is not subject to local real estate property taxes
- Members of the armed forces that have their legal residence in another state may not pay personal property tax or pay vehicle registration fees (Servicemembers Civil Relief Act)
- Federal government does not pay business license tax
- Commissary sales are not subject to state sales tax
- Members of the armed forces who are not Virginia residents are not subject to Virginia income tax on their military pay

Impact Aid is a Unique Program

- School districts receive funds directly from the U.S. Department of Education (ED) rather than through their states.
- Every dollar appropriated by Congress goes to eligible school districts.
- Impact aid becomes part of the school districts regular budget with NO restrictions placed on the use of the funds, except for children with disabilities payment.
- Impact aid is not forward-funded as all other education programs.

Impact Aid is broken down into two programs

- **Section 8002 Federal Property** - A payment in lieu of taxes (PILT) to school districts that have lost taxable land due to federal acquisition.
- **Section 8003 Basic Support** - Basic Support to a school district to cover the cost of federally connected students.
- Federally connected students are dependent children of federal workers, military personnel, children residing in federally subsidized low-rent housing units (Not Section 8 Housing) and children residing on Indian Trust/Treaty land.

Eligibility for Funding

Section 8002 (federal property)

Eligibility: School district must lose 10% or more of its assessed value of taxable property to the federal government as a result of federal acquisition on or after January 1, 1939.

- Nationwide 242 districts applied in FY 2010
- FY 2011 Funding Level: $67,208,000
- Final FY 2008 Payments to Virginia eligible districts

York County - $2,203,480
Craig County - $ 46,686

Eligibility for Funding (continued)

Section 8003 – Basic Support Payments for Federally Connected Children

- Nationwide - over 950,000 federally connected students enrolled in over 1,300 districts that enroll over 11.2 million students.
- In Virginia – over 117,000 federally connected children in 23 districts with a total enrollment of over 747,000 students (15.6% federal impaction).
- Virginia ranks in the top 10 states in the nation for impact aid

Impact Aid Application Process

Section 8002

- School districts must work with their County/City Assessor's office to identify the eligible federal properties and to apply the federal formula for determining the assessed value of eligible federal properties.
- Assessor must certify the assessments
- District completes and files application with the USDOE

Impact Aid Application Process (continued)

Section 8003

- District conducts the federal student survey
- District works with base housing office to complete source check if appropriate
- If Table 9 eligible (students displaced due to base housing renovations), district must work with base housing officials to certify the housing that is being renovated.
- District completes and files application with the USDOE.

Eight Categories of Eligible Students and Weighted Federal Student Unit

Weights are based on the financial impact that a student category has on a district's loss of local revenue due to the non-taxpaying status of the Federal Government

Category – Student whose parent is:	Assigned Weight	Virginia ADA
1. Civilian living and working on Federal Property	1.00	247
2. Foreign military officer residing on-base	1.00	17
3. U.S. Military personnel residing on-base	1.00	9,535
4. Resides on Indian Trust/Treaty Land	1.25	0

Eight Categories of Eligible Students and Weighted Federal Student Unit (continued)

Category – Student whose parent is:	Assigned Weight	Virginia ADA
5. Foreign military officer residing off-base	.20	578
6. U.S. Military personnel residing off-base	.20	48,987
7. Residing in a Low-Rent Housing Project	.10	10,128
8. Civilian living OR working on Federal Property	.05*	38,030

*A school district must enroll 1,000 or the number of student's make-up 10% of the school districts total enrollment in order to qualify for payment

Calculation of Maximum Payments

Payments are calculated by taking a school district's total number of student weights

x

Their Local Contribution Rate

For Example:

	Total # of Weighted Units		LCR		Maximum Payment
York County	1,807.80	x	$5,797.84	=	$ 10,481,335
Virginia Total	22,626.27	x	$5,797.84	=	$ 131,183,493
National Total					$1,974,537,206

Calculation of Actual Payments

Amount Appropriated by Congress in FY 2011: $1,138,000,000

Only funds 58% of the total Maximum Payment of $1,974,537,206

Districts payments are prioritized based on:

Percentage of Federal Students

+

Percentage that their Maximum Payment is of their Total Current Expenditures

Calculation of Actual Payments (continued)

Example:

	Percentage of Federal Students	Percentage of Budget		LOT
York County	40.60%	9.74	=	50.34%

York County's Payment will be set at 50.34% of $10,481,335 = $5,276,304

Final Payment will either be up or down depending on dollars available to allocate

Impact Aid Disability Payments

- Disability Payments are additional (supplemental) to the regular Basic Support Payment
- Payments are based on Assigned weights:
  Military on-base and Indian Land IDEA eligible are weighted at 1.0
  Military off-base are weighted at .50

  Estimated Payment per Disability Unit: $1,139.27

  Total Virginia Disability Units: 3,837.14
- This program is woefully underfunded. Cost of providing educational services for a student with a disability can exceed $75,000.

Best Practices for School Districts Applying for Impact Aid

Survey:

- Pre-fill information on survey form so that parents only need to verify information, sign and return the form
- When possible use a Source Check for students living on federal bases

Best Practices for School Districts Applying for Impact Aid (continued)

Coordination efforts:

- Work closely with your Base Housing officials regarding source checks and completing Table 9 for students displaced due to renovations
- Work closely with your military liaison and family groups – excellent source of information for quality of life issues related to military students and families
- Work closely with your Base Commander and other military officials on the impact of base realignments that will impact your school division or region.

Current Issues in Impact Aid

Reauthorization

- Title VIII of ESEA (No Child Left Behind Act) needs to be reauthorized
- Congress has been working on reauthorization for the past 3 years
- Problem: Lack of consensus on No Child Left Behind provisions
- Impact Aid Community introduced a free standing reauthorization bill: H.R. 1342

Current Issues in Impact Aid (continued)

Lack of Dollars (Appropriations Shortfall)

- Program has been froze at FY 2010 level for FY 2011
- Administrations Budget Proposal for FY 2012 would continue the freeze

Impact of the Freeze

Virginia Impact: Estimate a loss of 4-5 percent in total Basic Support Dollars

For More Information

Contact:

National Association of Federally Impacted Schools
(202) 624-5455
Website: www.nafisdc.org

Overview of Current Work and Future Plans

Publicizing the Compact and the Council

Melissa Luchau

Military Family Education Liaison
Virginia Department of Education

Actions Undertaken

2010

- Dedicated Web Page - http://www.doe.virginia.gov/support/student_family/military/index.shtml
- School division Web sites
- Memos explaining Compact and Council to Superintendents, Principals, Counselors, and School Liaison Officers

Actions Undertaken Cont.

2010 Cont.

- First & Second Meeting of Virginia Council
- Joint Military Services School Liaison Committee
- Annual Meeting of the Compact Commission

Actions Undertaken Cont.

2011

- 2010 Annual Report
- Third and Fourth Meeting of Virginia Council
- Superintendent's Memos
- School Leadership Summit

Future Work Plans

- Updated Web Pages
  - School Liaison Officers
  - Guidance Documents
  - Updated Links/Resources
- Superintendent's Memos
- Regular Meetings with School Liaison Officers
- Presentations to Educational Organizations

Future Work Plans Cont.

- Response to Inquiries
- Visits to School Divisions
- Sample Leadership Summit
- Collaboration with Virginia First Lady's "Serving Our Service Member Families" Initiative

Appendix G

August 22, 2011 Meeting Materials

Agenda

The Virginia Council on the Interstate Compact on Educational Opportunity for Military Children
August 22, 2011 at 2 p.m.
22nd Floor Conference Room, James Monroe Building
101 N. 14th Street, Richmond, Virginia

I. Call to Order and Opening Remarks
Senator John C. Miller, Chairman

II. National Math and Science Initiative Outreach to Students in Military Families
Paul C. Nichols, III
President/Chief Executive Officer, Virginia Advanced Study Strategies

III. "Serving our Service Member Families" Initiative
Elizabeth W. Mancano
Military Families Liaison, Office of the First Lady of Virginia

IV. Policy Briefing
i. Guidance for Enrollment in Kindergarten for Military Children
ii. Request for National Database of Graduation and Test Requirements
Melissa Luchau
Military Family Education Liaison, Virginia Department of Education

V. Legislative Briefing and Discussion – Special Power of Attorney
Melissa Luchau
Military Family Education Liaison, Virginia Department of Education

VI. Public Comment

VII. Closing Remarks
Senator John C. Miller, Chairman

VIII. Adjourn

** The next meeting of the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children is scheduled for the afternoon of December 8, 2011.

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. Bosher, 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. Bosher 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. Bosher 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. Bosher 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

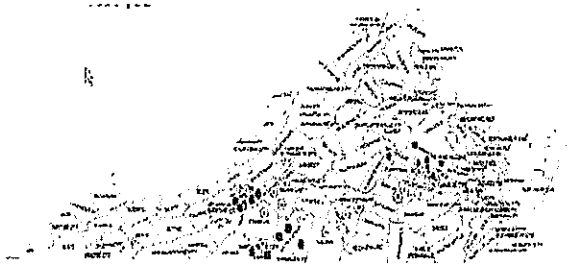
Assess Student Performance." The report examined what is known about the utilization and effectiveness of DOD Impact Aid funds, the challenges faced by school districts in serving military dependent students, and how DOD and Education have collaborated on their assistance.

Dr. Bosher 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.

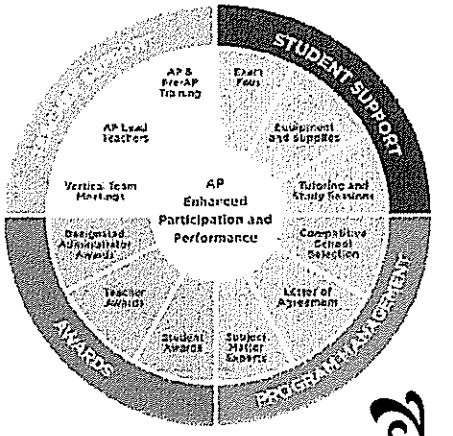
VIRGINIA PARTICIPATION IN THE NATIONAL MILITARY INITIATIVE PROJECT



What Do NMSI and VASS Do?

The Advanced Placement Training and Incentive Program (APTIP) is a comprehensive approach that increases teacher effectiveness and student achievement through training, teacher and student support, vertical teaming, open enrollment, and incentives.

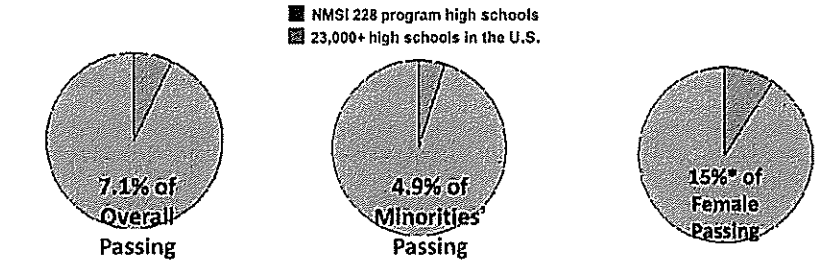
The program increases dramatically the number of students taking and passing AP math, science, and English exams, and expands access to traditionally under-represented students.



Measurable Results

NMSI schools' passing scores in math, science and English as a % of U.S.

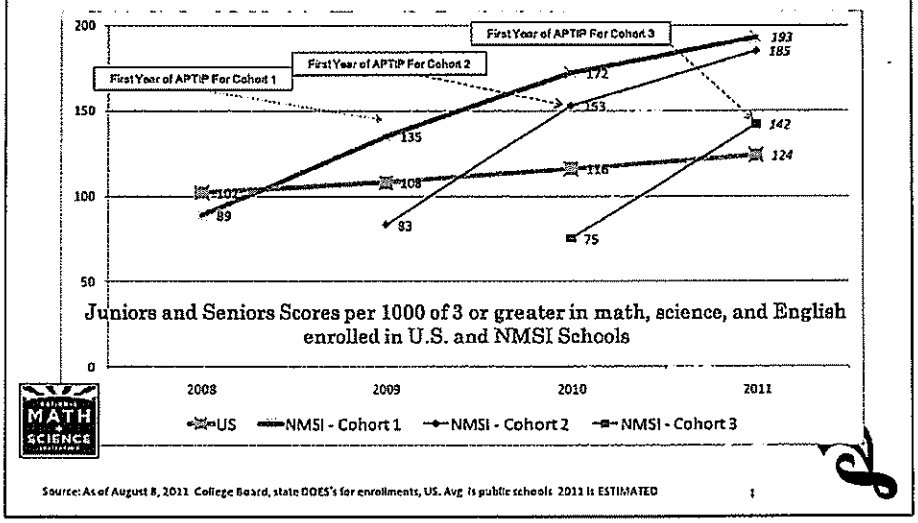
National Results Over the Past Three Years



NMSI program schools = ~ 1.4% of U.S. high school population

Source: College Board. Total population in NMSI schools is approximately 1.4% of US population.

3



Juniors and Seniors Scores per 1000 of 3 or greater in math, science, and English enrolled in U.S. and NMSI Schools

Source: As of August 8, 2011 College Board, state DOES's for enrollments, US. Avg is public schools 2011 is ESTIMATED

First Lady Michelle Obama Announces Support for Military Families As Priority #1

(Spring 2011)

Virginia Business Partners

- US Navy
- US Army
- DoDEA
- BAE Systems
- The Jack Kent Cook Foundation

Virginia School Partners

- Virginia Beach Public Schools:
  - Green Run HS
  - Salem HS
- Hampton Public Schools
  - Hampton HS
  - Kecoughtan HS
  - Bethel HS
- Newport News Public Schools
  - Menchville HS
  - Woodside HS
- Prince William County Public Schools
  - Freedom HS
  - Woodbridge HS
- Campbell County Public Schools
  - William Campbell HS
- Roanoke City Public Schools
  - William Flemming HS
- Amherst County Public Schools
  - Amherst HS

You are cordially Invited
To Attend:

The U.S. Military Initiative Kick-Off Celebration

Friday, September 30, 2011

Green Run High School
Virginia Beach, VA

Virginia Council on the Interstate Compact on Educational Opportunity for Military Children

Policy and Legislative Briefing

Melissa Luchau

Military Family Education Liaison
Virginia Department of Education

Superintendent's Memo #193-11

Guidance for Enrollment in Kindergarten for Military Children

Article IV, Section D of §22.1-360:

D. Kindergarten and first grade entrance age. Students shall be allowed to continue their enrollment at the grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of minimum age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of minimum age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from a local education agency in the sending state.

Superintendent's Memo #193-11

Key = "continue their enrollment"

- A prospective kindergarten student who has not yet started school prior to transition, even if eligible for enrollment in the sending state, cannot be said to be in the act of continuing their enrollment since no affirmative act has taken place by which such a student has started the enrollment process.

Superintendent's Memo #193-11

- However, a military child who has registered for kindergarten in the sending state prior to transfer, even if the child never actually attended, would be eligible to enroll in kindergarten in the receiving state.
- The registration constitutes an affirmative act of enrollment, such as recording their name and contact information with the sending state's LEA.

Superintendent's Memo #193-11 FAQ

Do part-time programs count?

- Yes, if the student attended or was registered to attend a part-time program in the sending state, they should be enrolled in Virginia.

How should these students be coded to count towards ADM?

- Report "Y" for the Military Compact Statute Flag in SRC

Is there a date restriction to register?

- No

Military Interstate Children's Compact Commission (MIC3) Issues

- Request for national database of course and test requirements for graduation
- Proposed rule changes
  - Posted for public comment 30 days before MIC3 Annual Meeting in November

MIC3 Issues – Rule 2.102 Dues Formula

- Current - The dues formula shall be based on the figure of one dollar per child of military families eligible for transfer under this compact.
- Proposed
  - Changes to "reside"
  - Sets a floor and ceiling amount

MIC3 Issues – Rule 3.102 Application for transfer of student records and enrollment

- Current - Students shall be allowed to continue their enrollment at the grade level in the receiving state commensurate with their grade level (including Kindergarten) from a LEA in the sending state at the time of transition, regardless of age.

MIC3 Issues – Rule 3.102 Application for transfer of student records and enrollment

- Change
  - Require attendance for one day
- Proposed Addition
  - "In the case of a kindergarten student the enrolled student must have attended class for at least one day in the sending state in order to continue enrollment in kindergarten in the receiving state."

Legislative Briefing – Special Power of Attorney

- Problem - two provisions of the *Code of Virginia* are inconsistent, related to special power of attorney for military families
- Purpose – make provisions of the *Code* consistent

Legislative Briefing – Special Power of Attorney

Section 22.1-3 of the Code:

...2. When the person is living with an individual who is defined as a parent in § 22.1-1, not solely for school purposes, pursuant to a Special Power of Attorney executed under Title 10, United States Code, § 1044b, by the custodial parent <u>while such custodial parent is deployed outside the United States</u> as a member of the Virginia National Guard or as a member of the United States Armed Forces;

Legislative Briefing – Special Power of Attorney

Section 22.-1-360 of the Code
Article VI. Eligibility.

A. Eligibility for enrollment.

... 2. <u>Special power of attorney</u>, relative to the guardianship of a child of a military family, and executed under Title 10, United States Code, § 1044b, <u>shall be sufficient</u> for the purposes of enrollment and all other actions requiring parental participation and consent;

Legislative Briefing – Special Power of Attorney

- inconsistency regarding the deployment status of the parent
  - Section 22.1-3 of the Code references a parent deployed outside the United States, and § 22.1-360 does not specify that the parent is deployed.
- Clarification is needed to provide that when service members execute a Special Power of Attorney it is sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

Legislative Proposal

§ 22.1-3. Persons to whom public schools shall be free.

A. The public schools in each school division shall be free to each person of school age who resides within the school division. Every person of school age shall be deemed to reside in a school division…

~~2. When the person is living with an individual who is defined as a parent in § 22.1-1, not solely for school purposes, pursuant to a Special Power of Attorney executed under Title 10, United States Code, § 1044b, by the custodial parent while such custodial parent is deployed outside the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces;~~

2. When, in accordance with the provisions of § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under Title 10, United State Code § 1044b by the custodial parent;

Appendix H

December 8, 2011 Meeting Materials

Agenda

The Virginia Council on the Interstate Compact on Educational Opportunity for Military Children
December 8, 2011 at 2 p.m.
22nd Floor Conference Room, James Monroe Building
101 N. 14th Street, Richmond, Virginia

I. Call to Order and Opening Remarks
Senator John C. Miller, Chairman

II. Public Comment

III. Update on Virginia High School League (VHSL) Eligibility for Military Children
Senator John C. Miller, Chairman

IV. Update from Military Interstate Children's Compact Commission (MIC3) Annual Meeting
Melissa Luchau
Military Family Education Liaison, Virginia Department of Education

V. Presentation of the Executive Summary of the Interim Activity and Work of the Virginia Council
Melissa Luchau
Military Family Education Liaison, Virginia Department of Education

VI. Panel Discussion: Current Issues from School Liaison Officers
Mary-Jo Chapman, School Liaison Officer, Child, Youth, and School Services, Fort Belvoir
John Hammer, School Liaison Officer, NAS Oceana and Dam Neck
Karyn McNerney, School Liaison, Marine Corps Base Quantico
Dorothy Winston, School Support Services Specialist, Army Reserve Child, Youth & School Services

VII. 2012 Planning Discussion
Virginia Council Members

VIII. Closing Remarks
Senator John C. Miller, Chairman

VIII. Adjourn

Virginia Council for the Interstate Compact on Educational Opportunity for Military Children
Minutes: December 8, 2011

Council Members in Attendance:

Senator John C. Miller, Chair
Delegate M. Kirkland Cox
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

Council Members not in Attendance:

Dr. William C. Bosher, Jr.
Ms. Susan McIntosh

Department of Education Staff in Attendance:

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

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

The first agenda item was an update on Virginia High School League (VHSL) eligibility issues related to military children. Senator Miller informed the Council that in September VHSL passed an emergency policy to grant immediate eligibility to "student transfers into a school to live with a relative or guardian due to the fact the parent(s) or legal guardian is deployed overseas and/or to a combat assignment or on temporary assignment in excess of 90 days by orders of the United States Military." The previous policy prohibited 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 also brought another VHSL eligibility issue to the attention of the Council members. He noted that there has been some concern 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 off-base, they are not eligible to participate in VHSL activities for one year. Council members discussed the issue. One Council member noted that this issue should be examined in terms of attendance zones. Council members noted their interest in exploring the issue further and asked Senator Miller to continue conversations with VHSL.

The second agenda item was a brief update from the military family education liaison about the Military Interstate Children's Compact Commission (MIC3) Annual Meeting. Thirty-one state commissioners, or their designees, attended the MIC3 meeting in Louisville, Kentucky, November 13-15, 2011. At the MIC3 meeting, commissioners voted on two significant rule changes. The first was a rule to create a ceiling ($60,000) and a floor ($2,000) for annual dues. This rule passed the Commission, and will save Virginia approximately $20,000 in annual dues. The second proposed rule change would have required students not meeting the receiving state's age requirement for kindergarten to attend one day of school in the sending state before they are allowed to continue their enrollment in the receiving state. The Virginia Council discussed this issue at their meeting on August 22, 2011, and passed a motion to support Virginia's current policy, which requires a student not meeting the age requirement for kindergarten in Virginia but meeting the requirement in the sending state, to have registered in the sending state. The Virginia Council issued public comment in opposition to the proposed rule change, as it is inconsistent with a previous advisory opinion issued by the Commission, would add an additional requirement on military families, and would change the current policy which is working effectively in the Commonwealth. The proposed rule change was tabled at the MIC3 meeting and will be discussed again in the rules committee throughout 2012. The MIC3 meeting also included opportunities to share best practices with other states including reciprocity for exit and end-of-course exams, ways to involve the guard and reserve military, ideas for state Council agenda items, and working with the Department of Defense (DOD). In small groups the commissioners also continued to discuss the kindergarten enrollment issue.

The Council also reviewed their Annual Executive Summary of the Interim Activity and Work of the Council. The executive summary provides information regarding the four meetings that the Virginia Council convened in 2011, as well as other actions that were taken during 2011 to disseminate information regarding the Compact to school divisions, military families, and other affected entities. The military family education liaison, on behalf of the Virginia Council, spoke at numerous events and worked with educational partners to spread the word about the Military Compact and answer questions about its implementation in the Commonwealth. The Department also issued numerous guidance documents to assist school divisions as they work with military families. Included in the appendix of the executive summary are presentations that were made to the Council during 2011. No changes were made to the report. The report will be submitted to the Governor and the General Assembly before the first day of the General Assembly session.

Several school liaison officers addressed the Council to discuss areas of success and areas that need improvement in terms of implementation of the Compact. One school liaison officer noted that while much progress has been made in Virginia to get the word out about the military Compact and that school divisions, school liaison officers and the Department are working well together to assist military families, more work needs to be done to get information and training on the Compact to teachers and guidance counselors. The notion that information on the Compact has reached superintendents, but not school

level personnel like teachers and some guidance counselors, was echoed by other school liaison officers addressing the Council.

Some school liaison officers noted that there are still issues in transferring exit or end-of-course tests from one state to another, without requiring the student to take additional tests. Specifically, there have been issues in transferring students from DOD schools, because they are required to take the TerraNova tests, but school divisions in Virginia have trouble accepting these tests for verified credit because there are no cut or passing scores assigned. One school liaison officer also discussed some challenges in transferring Individualized Education Programs (IEP) for special needs children because different states and different school divisions offer services in different ways. Some members of the Council noted that this can be a struggle for all special needs children, not just military children, given the variety in methods of services offered from state to state and school division to school division, despite meeting federal requirements.

One school liaison officer also noted that the Reserve and Guard have unique challenges because the military families are more geographically diverse. It is often difficult to identify children in these families because they may be inactive for certain time periods. The school liaison officer noted the importance of making parents in the Reserve and Guard aware of the services offered and engaging them as family members are activated.

School liaison officers noted that workshops and professional development trainings are very helpful for school personnel to learn more about military lifestyle and the provisions of the Compact. The officers also thanked the Virginia Council for their support and giving them time to address some of the successes and areas of improvement in helping military families transition to our public schools.

The members of the Council discussed some of the issues raised by the school liaison officers. One Council member noted that Virginia needs to continue to work with DOD to ensure a smooth transition for military children. Council members also expressed an interest in exploring issues related to special education students, and how to better connect them to the resources that are available in Virginia's schools. Council members also noted that more works needs to be done to get information on the Compact to teachers and school counselors.

The Council then received public comment from one member of the audience. The commenter noted that Virginia is head and shoulders above other states in terms of implementing the Compact and easing the transition for military transfer students into public schools.

Senator Miller closed the meeting by thanking the Council members and guests.

Presentation materials from the meeting can be found at:
http://www.doe.virginia.gov/support/student_family/military/va_council/index.shtml.

Virginia Council on the Interstate Compact
on Educational Opportunity
for Military Children

Update from Military Interstate Children's Compact Commission (MIC3) Annual Meeting

Melissa Luchau

Military Family Education Liaison
Virginia Department of Education

Proposed Rule Change – Rule 2.102

Current:

(a) The Commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting at which the proposed revision will be considered.

(b) The Commission may consider the population of the states, the number of students subject to the compact within each state, and the volume of student transfers between states in determining and adjusting the assessment formula.

(c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.

(d) The dues formula shall be based on the figure of one dollar per child of military families eligible for transfer under this compact.

Proposed Rule Change – Rule 2.102

Proposed Change:

Sec. 2.102 (d) shall be amended as follows:

(d) The dues formula shall be based upon the figure of one dollar per child of military families eligible for transfer under this compact, and beginning in FY 2014 this calculation shall be based upon the State in which each military family resides, except that effective FY 2013, and each year thereafter, no state dues assessment shall exceed the sum of sixty thousand dollars ($60,000.00) per year and effective FY 2014, and each year thereafter, no state dues assessment shall be less than two thousand dollars ($2,000.00)."

MOTION PASSED

Proposed Rule Change – Rule 3.102

Current:

(b) Kindergarten and First grade entrance age – Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level(including Kindergarten) from a LEA in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

Proposed Rule Change – Rule 3.102

Proposed Change:

A motion was made and passed by the Executive Committee that the following paragraph be considered for addition to rule 3.102. This language is forwarded to the Rules committee for consideration.

"In the case of a kindergarten student, the enrolled student must have attended class for at least one day in the sending state in order to continue enrollment in kindergarten in the receiving state."

MOTION TABLED

MIC3 Updates

- Standing committees
- Sharing of best practices
  - Reciprocity for exit exams
  - How to involve the Guard and Reserve
  - Interstate vs. Intrastate
  - Council meetings
  - Working with DOD

New Business