

Texas Independent School District and Open-Enrollment Charter Schools
Guidelines for Implementing Rules of the

**INTERSTATE COMPACT ON
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

Changing schools can be a huge ordeal for military families and military children. Education curriculum and education requirements can vary tremendously between states and between school districts. For those reasons the Interstate Compact on Educational Opportunity for Military Children (Senate Bill 90) is very important. This Compact addresses inequities facing schoolchildren of military parents when they are required to relocate across state lines. Specifically, it allows the laws of the “sending” state to apply to transferring students from military families in the schools of the “receiving” state for such policies as graduation requirements, Advanced Placements (AP), and age of student enrollment. The chart below will assist schools with understanding the responsibilities we have in implementing the rules of the Compact. For further reference, the Compact and the corresponding commission rules are available at <http://ritter.tea.state.tx.us/mil/MIC3RulesAdopted2ndAnnualMeeting.pdf> and Senate Bill 90 at <http://ritter.tea.state.tx.us/mil/SB90.pdf>. Citations to the Compact and the rules are provided below. References to Articles are to the Compact and references to Sections are to the Commission rules.

Eligibility for transfer and enrollment	Sending School Responsibility	Receiving School Responsibility
<i>Unofficial or “hand-carried” education records</i>	<p><i>Prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission.</i></p> <p><i>In the event a state or LEA charges a fee for copies of educational records, such a fee shall not exceed the reasonable cost of reproduction.</i></p> <p><i>Art. IV(A); Sec. 3.101(a)</i></p>	<p><i>Shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible. In the event a state or LEA charges a fee for copies of educational records, such a fee shall not exceed the reasonable cost of reproduction.</i></p> <p><i>Art.IV(A); Sec. 3.101(a)</i></p>
<i>Official education records/transcripts</i>	<p><i>Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) business days except for a designated school staff break including, but</i></p>	<p><i>Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student’s official education record from the school in the sending state.</i></p>

	<i>not limited to, spring, summer, or holiday.</i>	<i>Art. IV(B); Sec. 3.101(b)</i>
	<i>Art. IV(B); Secs. 3.101(b) and 1.101(E)</i>	
Application for transfer of student records and enrollment	Sending School Responsibility	Receiving School Responsibility
<i>Immunizations</i>		<p><i>Shall give thirty (30) calendar days from the date of enrollment. For a series of immunizations, initial vaccinations must be obtained within thirty (30) calendar days.</i></p> <p><i>Art. IV(C); Sec. 3.102(a)</i></p>
<i>Kindergarten and First grade entrance age</i>		<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Any student who transfers from an out-of-state public school and who does not meet regular age requirements for admission to the school of the state being transferred into shall be admitted upon presentation of the data required.</i></p> <p><i>Any student who transfers from an out-of-state nonpublic school and who does not meet regular age requirements for admission to a public school in the state the student transfers to, shall be admitted if the student meets age requirements for public schools within the state from which he or she is transferring, and if the transfer of the student's academic credit is acceptable under rules of the school board. Prior to admission, the parent or guardian must also provide the data required.</i></p> <p><i>In order to be admitted into a school in the</i></p>

		<p>receiving state, such a student transferring from the sending state must provide the following data:</p> <p>Official military orders showing that the military member was assigned to the state (or commuting area) in which the child was previously duly enrolled and attended school. If a child of a military member was residing with a legal guardian during the previous enrollment and not the military member, a copy of the family care plan, or proof of guardianship, as specified in the Interstate Compact, or any information sufficient for the receiving district to establish eligibility under this compact shall be provided;</p> <p>An official letter or transcript from the proper school authority which shows record of attendance, academic information, and grade placement of the student;</p> <p>Documented evidence of immunization against communicable diseases; and</p> <p>Evidence of date of birth.</p> <p>Art. IV(D), Sec. 3.102(b)</p>
Eligibility for Enrollment	Sending School Responsibility	Receiving School Responsibility
	<p>A custody order, special power of attorney, or other applicable document relative to the guardianship of a child of a military family and executed under the applicable law of each member state shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A special power of attorney form, which is acceptable in some jurisdictions, can be obtained through the JAG offices pursuant to Military Family Care Plan regulations. Also, information regarding an Authorization Agreement for Nonparent Relative under Chapter 34, Family Code, is available at http://www.tea.state.tx.us/index2.aspx?id=622.</p> <p>Regardless of whether a document described by this section is provided, a school district must enroll a student who is eligible to enroll under Section 25.001, Education Code. A child of a military family who has a separate residence is not subject to the exclusions under Section 25.001(d).</p>	<p>A custody order, special power of attorney, or other applicable document relative to the guardianship of a child of a military family and executed under the applicable law of each member state shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A special power of attorney form, which is acceptable in some jurisdictions, can be obtained through the JAG offices pursuant to Military Family Care Plan regulations. Also, information regarding an Authorization Agreement for Nonparent Relative under Chapter 34, Family Code, is available at http://www.tea.state.tx.us/index2.aspx?id=622.</p> <p>Regardless of whether a document described by this section is provided, a school district must enroll a student who is eligible to enroll under Section 25.001, Education Code. A child of a military family who has a separate residence is not subject to the exclusions under Section 25.001(d).</p>

	<p><i>A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent. Tuition may be charged for optional programs offered by the LEA if the tuition is authorized by state law.</i></p> <p><i>A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent. The local education agency shall not charge tuition. In addition, transportation to and from school is the responsibility of the non-custodial parent or other persons standing in loco parentis.</i></p> <p><i>Art. VI(A), Sec. 6.101(a)</i></p>	<p><i>A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent. Tuition may be charged for optional programs offered by the LEA if the tuition is authorized by state law.</i></p> <p><i>A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent. The local education agency shall not charge tuition. In addition, transportation to and from school is the responsibility of the non-custodial parent or other persons standing in loco parentis.</i></p> <p><i>Art. VI(A), Sec. 6.101(a)</i></p>
Eligibility for extracurricular participation	Sending School Responsibility	Receiving School Responsibility
		<p><i>State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, with consultation with the state high school athletic association, to the extent they are otherwise qualified. Application deadlines include tryouts, summer conditioning and other coach or district prerequisites.</i></p> <p><i>Art. VI(B), Sec. 6.101(b)</i></p>
Absence as related to deployment activities	Sending School Responsibility	Receiving LEA/School Responsibility
		<p><i>A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the Compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the LEA superintendent or head of school to visit with his or her parent or</i></p>

		<p><i>legal guardian relative to such leave or deployment of the parent or guardian. Notwithstanding the above, the LEA superintendent or head of school may provide a maximum number of additional excused absences.</i></p> <p><i>Art. V(E), Sec. 5.105</i></p>
Graduation	Sending School Responsibility	Receiving School Responsibility
<i>Accepting similar course requirements</i>		<p><i>LEA administrative officials shall grant credit for courses required for graduation if similar course work has been satisfactorily completed in the sending state or shall provide reasonable justification for denial.</i></p> <p><i>Should course credit not be granted to a student who would qualify to graduate from the sending school, the LEA shall provide an alternative means of acquiring required coursework so that graduation may occur on time.</i></p> <p><i>If the receiving LEA requires a graduation project, volunteer community service hours, or other state or LEA specific requirements, the receiving LEA may waive those requirements.</i></p> <p><i>Art. VII(A); Sec. 4.101(a)</i></p>
<i>Exit exams</i>		<p><i>Shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. A student's performance on a national norm-referenced achievement test must meet a standard set by the Commissioner of Education. Information regarding the passing standard will be provided when it is available. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of Article VII, Section C of the Compact shall apply.</i></p> <p><i>Art. VII(B); Sec. 4.101(b)</i></p>
<i>Transfers during senior year</i>	<i>There may be cases in which a military student transferring at the beginning or during his or her senior year is ineligible to graduate from the receiving LEA after all alternatives have been considered. In such cases the sending and receiving LEAs shall</i>	<i>There may be cases in which a military student transferring at the beginning or during his or her senior year is ineligible to graduate from the receiving LEA after all alternatives have been considered. In such cases the sending and receiving LEAs shall</i>

	<i>ensure the receipt of a diploma from the sending LEA, if the student meets the graduation requirements of the sending LEA. 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 Sections A and B of Article VII of the Compact.</i>	<i>ensure the receipt of a diploma from the sending LEA, if the student meets the graduation requirements of the sending LEA. 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 Sections A and B of Article VII of the Compact.</i> <i>Art. VII(C); Sec. 4.101(c)</i>
Course placement	Sending School Responsibility	Receiving School Responsibility
		<i>The receiving school shall initially place a student who transfers before or during the school year in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state to the extent the educational courses are provided by the receiving school. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s). The receiving school may allow the student to attend similar educational courses in other schools within the LEA if the receiving school does not offer such educational courses.</i> <i>Art. V(A), Sec. 5.101</i>
Educational program placement	Sending School Responsibility	Receiving School Responsibility
		<i>The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to: 1) Gifted/Talented programs; and 2) English as a second language (ESL). The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the</i>

		<p><i>student in the course(s).</i></p> <p><i>The receiving school may allow the student to attend similar educational courses in other schools within the LEA if the receiving school does not offer such programs.</i></p> <p><i>Art.V(B); Sec. 5.102</i></p>
Special education services	Sending School Responsibility	Receiving School Responsibility
		<p><i>Shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and</i></p> <p><i>Shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education.</i></p> <p><i>May perform subsequent evaluations to ensure appropriate placement and appropriate services. The receiving school shall follow any current regulations the receiving state has in place in order to comply with federal or state law.</i></p> <p><i>Art. V(C); Sec. 5.103</i></p>
Local Course and Program Prerequisites	Sending School Responsibility	Receiving LEA/School Responsibility
		<p><i>LEA officials have flexibility regarding prerequisites, or other preconditions for placement in local courses/programs offered by the LEA.</i></p> <p><i>Art. V(D); Sec. 5.104</i></p>