



**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](mailto:Melissa.Luchau@doe.virginia.gov), or by telephone at (804) 225-4849.

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