



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.pdf. **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.

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