



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.

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