



**COMMONWEALTH of VIRGINIA  
Department of Education**

August 6, 2010

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

**SUBJECT: Interstate Compact on Educational Opportunity for Military Children**

This memorandum provides information on Virginia's membership in the Interstate Compact on Educational Opportunity for Military Children. Information on the Compact can be found at:

[http://www.doe.virginia.gov/support/student\\_family/military/va\\_council/index.shtml](http://www.doe.virginia.gov/support/student_family/military/va_council/index.shtml).

The Compact became part of Virginia law on July 1, 2009. As of July 1, 2010, Virginia is one of 36 states that have enacted the Compact. The Virginia Council on the Interstate Compact on Educational Opportunity for Military Children also became part of Virginia law on July 1, 2009, and serves to support the Compact. This Council, which had its first meeting on May 25, 2010, may consider any and all matters related to the Compact and has the authority to represent Virginia in all actions of the Compact. The members of the Virginia Council are:

- The Honorable John C. Miller, Senate of Virginia, Chairman
- The Honorable M. Kirkland Cox, Virginia House of Delegates
- Dr. Patricia I. Wright, Superintendent of Public Instruction
- Dr. William C. Boshier Jr., Distinguished Professor of Public Policy at the Wilder School of Government and Public Affairs of Virginia Commonwealth University
- Mr. James S. Lander, Senior Systems Engineer at Acquisition Solutions Inc. (Current Reservist on Active Duty)
- Dr. James G. Merrill, Superintendent of Virginia Beach City Public Schools

The goal of the Compact is to streamline the transfer of children of military families into Virginia public schools. The Compact defines children of military families as children enrolled in grades K-12 within the household of an active duty member. An active duty member has to be in full-time duty status in the uniformed services and can be a member of the National Guard or Reserves.

**Summary Information on the Compact**

*Records and Enrollment* – The Compact provides that, upon receipt of an unofficial education record by a school division in the receiving state, the receiving school “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.” Affected states have 10 days or a reasonable time frame determined by Compact rules to transfer official records to a receiving school. Transferring students shall be allowed to continue their enrollment at the grade level in the receiving state commensurate with the grade level in the sending state, including kindergarten, regardless of any minimum age requirements.

*Immunizations* – Children of military families, without documentation of immunizations, should be immediately enrolled and shall have up to 30 days from the date of enrollment to obtain any immunizations required by the receiving state. For more information, please refer to the following superintendent’s memorandum issued on June 25, 2010: [http://www.doe.virginia.gov/administrators/superintendents\\_memos/2010/145-10.shtml](http://www.doe.virginia.gov/administrators/superintendents_memos/2010/145-10.shtml).

*Placement* – A receiving school shall initially honor placement of the student in educational courses based on the student’s enrollment in the sending state and/or educational assessment conducted at the school in the sending state. In compliance with federal requirements, the receiving state shall initially provide comparable services to a student with disabilities based on his Individualized Education Program (IEP) and the receiving state shall make reasonable accommodations and modifications to address the student’s needs. (This does not preclude the receiving school from performing subsequent evaluations to ensure appropriate placement.)

*Eligibility* – Children covered under the Compact “shall be eligible for enrollment in the public schools of Virginia provided that the documents required by §§ [22.1-3.1](#) and [22.1-3.2](#) are provided and subject to the authority of a local education agency to exclude such children from attendance pursuant to § [22.1-277.2](#) or if such children have been found guilty or adjudicated delinquent for any offense listed in subsection G of § [16.1-260](#) or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories.” Furthermore, school divisions are prohibited from charging tuition where the child is in the care of a noncustodial parent or is in the care of a person standing in loco parentis. Such children may also continue to attend the school in which they were enrolled while residing with the custodial parent.

*Graduation* – School divisions shall waive specific courses required for graduation if similar coursework has been completed in another school. If such a waiver is denied, then the school division must provide a justification for such denial. Should a waiver not be granted to a student who would qualify to graduate from a sending school, then the receiving school division shall provide an alternative means of acquiring required coursework to facilitate on-time graduation. Should a military student transferring in the senior year be ineligible to graduate from the receiving school division after all alternatives have been exhausted, then the sending school division shall ensure receipt of a diploma, provided that the student meets the requirements for graduation of the sending school division.

In total, the Compact contains 18 articles. The attachment to this memorandum summarizes these articles.

I encourage all school divisions to visit the Department’s Web site reference above regularly for updates. The Department will continue to keep you informed about the Compact and the work of the Virginia Council. Please do not hesitate to contact the Office of Policy and Communications, at (804) 225-2403 or by e-mail at [policy@doe.virginia.gov](mailto:policy@doe.virginia.gov), if you need additional information.

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Attachments:

- a. [Overview of Virginia Law](#) (PDF)